AGENDA
LACEY PLANNING COMMISSION MEETING
Tuesday, July 21, 2020 – 4:00 p.m.

MEETING WILL BE CONDUCTED REMOTELY, NOT IN-PERSON.
TO ATTEND THE MEETING REGISTER AT:
https://us02web.zoom.us/j/88061444555
(*see below for further info)

Call to Order: 4:00 p.m.

A. Roll Call
B. Approval of Agenda & Consent Agenda Items
Approval of July 7 Meeting Minutes

Public Comments: 4:01 p.m.

Commission Members Reports: 4:03 p.m.

Director's Report: 4:05 p.m.

New Business: 4:10 p.m.
Shoreline Master Program Periodic Update: Jessica Brandt, Associate Planner; Dan Nickel, The Watershed Company. The Planning Commission will be briefed by staff and the City's consultant on proposed amendments to the City's Shoreline Master Program to comply with the periodic update requirements of the Washington State Shoreline Management Act.

Stormwater Comprehensive Plan Update: Doug Christenson, Stormwater Engineer. The Planning Commission will be briefed on the draft Stormwater Comprehensive Plan which will provide a multi-year plan to guide the programs, activities, and projects of Lacey's Storm and Surface Water Utility.

Communications and Announcements: 4:55 p.m.

Next Meeting: August 4, 2020.

Adjournment: 5:00 p.m.

*Or iPhone one-tap:
US: +13017158592,,88061444555# or +19292056099,,88061444555#
Or Telephone:
Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 929 205 6099 or +1 312 626 6799 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)
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International numbers available: https://us02web.zoom.us/u/kDYk6DP5

MINUTES
Lacey Planning Commission Meeting
Tuesday, July 7, 2020 – 4:00 p.m.
Conducted remotely via videoconference

Meeting was called to order at 4 p.m. by Sharon Kophs.

Planning Commission members present: Sharon Kophs, Peg Evans-Brown, David Wasson, Mark Mininger, Gail Madden, Robin Vasquez, and Daphne Retzlaff. Staff present: Rick Walk, Jessica Brandt, and Ryan Andrews.

Sharon Kophs noted a quorum present.

Gail Madden made a motion, seconded by David Wasson, to approve the agenda for tonight's meeting. All were in favor, the motion carried.

David Wasson made a motion, seconded by (inaudible), to approve the June 16 meeting minutes. All were in favor, the motion carried.

1. **Public Comments:** None.

2. **Commission Members Reports:** None.

3. **Director's Report:** Rick Walk reported that at the last Council worksession, Council appointed citizens to the Community Based Committee for Homelessness. Rick welcomed new Planning Commissioner Robin Vasquez and asked her to introduce herself. Planning Commissioners introduced themselves.

4. **New Business:**
   HBBP, LLC Proposed Zoning Text Amendment, Project No. 19-367: Ryan Andrews, Planning Manager.
   - Ryan went over the private-applicant initiated zoning text amendment to increase the square footage limit for buildings in the Light Industrial-Commercial zone and gave some background on building size regulations over the years.
   - Ryan went over the intent of the LI zone and the proposed new language.
   - A brief discussion followed and staff answered questions.
   - Ryan went over the staff's review of the amendment in light of goals of the Comprehensive Plan including addressing compatibility issues, retention of existing local small businesses, and improving water quality in proximity to a city well.
   - Ryan introduced the applicant David Toyer. David introduced himself and Joseph Slattery.
   - David gave some background on HBBP, LLC, shared a slide presentation, and answered questions.
   - There was a discussion regarding public outreach.
   - The applicants answered questions regarding the site and existing structures/tenants and their plans moving forward.

Urban Forest Management Plan Outreach: Jessica Brandt, Associate Planner.

- Jessica Brandt gave a brief overview.
- Jessica noted that the tree task force has met three times and were able to identify some areas to focus on.
- The task force decided that outreach and education should be the first area of focus. Staff will create a “State of the Trees” report and short informational videos about the plan and tree regulations.
- Staff will work on drafting amendments and should have recommendations for Planning Commission by late summer/early fall.
- A brief discussion followed.

5. **Communications and Announcements:** Rick informed Planning Commissioners about the Open Public Meetings Act training video that everyone should watch. The city clerk will send info with the link and Rick asked Commissioners to let him know once they’ve completed it.

6. **Next meeting:** July 21, 2020.

7. **Adjournment:** 5:46 p.m.

PLANNING COMMISSION STAFF REPORT
July 21, 2020

SUBJECT: Shoreline Master Program – Periodic Review

RECOMMENDATION: Review the draft amendments to the Shoreline Master Program prepared by staff and the city's consultant to comply with the periodic update requirements of the Shoreline Management Act. No action needed.

TO: Lacey Planning Commission

STAFF CONTACTS: Rick Walk, Community and Economic Development Director
Ryan Andrews, Planning Manager
Jessica Brandt, Associate Planner

ATTACHMENT(S):
1. Gap Analysis
2. Working Draft SMP Amendments
3. LMC 14.26
4. LMC 14.28
5. LMC 16.19
6. Project schedule

PRIOR COUNCIL/ COMMISSION/ COMMITTEE REVIEW:
06/23/20 Land Use Committee
02/06/20 Land Use Committee
12/05/19 City Council Meeting
12/03/19 Planning Commission Work Session

BACKGROUND:

Updating the City's Shoreline Master Program has been on the Community and Economic Development work plan since last year, per a state-mandated periodic review.

Washington State law, as administered by the Department of Ecology, requires cities with areas designated as "Shorelines of the State" periodically update their Shoreline Master Program (SMP) in accordance with the Washington State Shoreline Management Act and the State Shoreline Master Programs Guidelines.

Lacey adopted its first SMP in 1972, with a first major update in 2011 with other background documents including a Shoreline Restoration Plan and the Cumulative Impacts Analysis for Lacey's Shorelines. The City completed a minor update in 2015 to comply with state changes to wetlands regulations.

The SMA requires that Cities and Counties review and revise their SMP, if needed, on an eight-year schedule established by the State Legislature. This review ensures that the City's SMP stays current with changes in State laws and rules, remains consistent with Lacey's Plan and regulations, and is responsive to changed circumstances, new information, and improved data. Lacey has started a periodic review of its SMP.

Washington State Department of Ecology provided grant funding to complete this update. The full amount of the grant is being used to pay for contracted support from The Watershed Company, awarded through the City's competitive process. The City is leading the public participation process.

Department of Ecology requires a Public Participation Plan, in order to describe how the City will encourage early and continuous public participation throughout the process of reviewing the SMP. It describes the steps that the City will take to provide opportunities for public engagement and public comment, as well as the City's contact information and web address. This plan is in addition to any other minimum requirements for public participation required by the City. The Planning Commission reviewed the Public Participation Plan Dec 3, 2019. It is a working document and staff have adjusted as needed to provide for the greatest and broadest public participation.

Due to the unavailability of in-person meetings and events as planned, a virtual open house was held April 22, 2020 to kick-off community outreach on the SMP update. The presentation is available online on the City Website at www.ci.lacey.wa.us/SMP. The presentation provided information about the update process and the anticipated amendments. Generally, the shoreline policies and regulations will not substantively change. The amendments are intended to make the regulations easier for staff to administer and clearer for the public to understand.

Staff has reviewed the amendments provided by the consulting team. The recommended updates will provide:

1. Consistency with state laws
2. Integration of current critical areas regulations
3. Consistency with the Comprehensive Plan and other development regulations
4. Clarification on: exemptions, definitions, nonconformance standards, enforcement, and vegetation management.

The purpose of this work session is to give the Planning Commission an opportunity to review the draft amendments, discuss issues and provide comments. A formal comment period and a public hearing with the Department of Ecology will be scheduled this fall.

City of Lacey Shoreline Master Program

Final Draft Gap Analysis Report

Prepared on behalf of:

City of Lacey
Planning Division
Community & Economic Development
420 College Street SE
Lacey, WA 98503

Prepared by:

750 Sixth Street South
Kirkland . WA 98033
p 425.822.5242
f 425.827.8136
watershedco.com

July 2020

The Watershed Company Reference Number:
190918

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1. Introduction

In accordance with the Washington State Shoreline Management Act, local jurisdictions with "Shorelines of the State" are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (Washington Administrative Code [WAC] 173-26-090). The periodic review is intended to keep SMPs current with amendments to state laws, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

The Shorelines of the State in the City of Lacey (City) include freshwater shorelines Chambers Lake, Hicks Lake, Long Lake and Woodland Creek, Pattison Lake, Southwick Lake and a small section of marine shoreline near 61st Ave NE near the northern most boundary of the City.

The City completed a comprehensive update of its SMP, October 2011, revised in April 2015 with the latest shoreline environment designation map approved in 2018. The current SMP outlines goals and policies for the shorelines of the City and establishes regulations for development occurring within shoreline jurisdiction in a standalone, uncodified, document. The City's current SMP incorporates by reference the city-wide critical areas regulations which are codified under Lacey Municipal Code (LMC) Title 14, with certain exclusions.

As a first step in the periodic review process, the City's current SMP was reviewed by City staff and consultants. The purpose of this Gap Analysis Report is to provide a summary of the review and inform updates to the SMP. This report is organized into the following sections:

- **Section 2** identifies gaps the SMP has in consistency with state laws. This analysis is based on a list of amendments between 2007 and 2019 as summarized by the Washington State Department of Ecology (Ecology) in its Periodic Review Checklist.
- **Section 3** identifies gaps in consistency the City's critical areas ordinance has with current guidance. LMC Title 14 is incorporated by reference into the current SMP.
- **Section 4** identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the critical areas regulations.
- **Section 5** identifies other issues to consider as part of the periodic update process to produce a more effective SMP, including those issues identified by staff during the implementation of the SMP since 2011.

This report includes several tables that identify potential revision actions. Where potential revision actions are identified, they are classified as follows:

- **"Mandatory"** indicates revisions that are required for consistency with state laws.
- **"Recommended"** indicates revisions that would improve consistency with state laws, but are not strictly required.

- **"Optional"** indicates legislative amendments that can be adopted at the City's preference but are not required.
- **"No action necessary"** indicates the current SMP meets the intent of or already contains listed legislative updates, changes to critical areas, comprehensive plan or zoning code.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are compiled below in Table 1-1.

Table 1-1. Abbreviations used in this document.

Abbreviation	Meaning
BAS	Best Available Science
CAO	Critical Areas Ordinance
City	City of Lacey
Ecology	Washington State Department of Ecology
LMC	Lacey Municipal Code
RCW	Revised Code of Washington
SDP	Substantial Development Permit
SMP	Shoreline Master Program
SED	Shoreline Environment Designation
WAC	Washington Administrative Code

2. Consistency with State Laws

Table 2-1 summarizes potential revisions to the City's SMP based on a review of consistency with amendments to state laws identified in the Periodic Review Checklist provided by Ecology. Topics are organized chronologically by year from 2019 to 2007. The

Only a limited number of revisions in Table 2-1 are classified as "mandatory." Furthermore, the revisions classified as "mandatory" are anticipated to be minor in effect.

Table 2-1. Summary of consistency with amendments to state laws and potential revisions.

Row	*Summary of change*	*Review*	*Action*
2019			
a.	Washington State Office of Financial Management (OFM) adjusted the **cost threshold for building freshwater docks**	SMP 17.15.261 'Substantial Development' In addition to the general Substantial Development Permit (SDP) cost threshold (see item 2017a below), the SMA includes	**Mandatory:** The City should update the cost threshold dollar figure for when an SDP is triggered on single-family freshwater and dock replacement projects as follows: 17.30.035.7

Row	*Summary of change*	*Review*	*Action*
		a separate dollar threshold for when construction of a freshwater dock triggers an SDP. No threshold changes apply to saltwater docks. SMP 17.30.035.7 'Shoreline Exemptions Listed' references the out of date dollar figure of $10,000.	*(B) In fresh waters the fair market value of the dock does not exceed:* *(i) twenty-two thousand five hundred dollars ($22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or* *(ii) eleven thousand two hundred ($11,200) dollars for all other docks constructed in fresh waters.* *However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.* **Recommended:** The SMP could reference the RCW directly and eliminate a specific cost threshold allowing greater flexibility with future legislative changes. Staff may consider revising permit application forms with the new cost threshold for front counter customers.
b.	The Legislature removed the requirement for a shoreline permit for **disposal of dredged materials at Dredged Material Management Program**	There are no DMMP sites within the City.	No action necessary.
c.	Legislature added **restoring native kelp, eelgrass beds**	Habitat enhancement project exemptions per RCW 77.55.181	No action necessary. The Washington Department of Fisheries and Wildlife streamlined permit review process for

Row	*Summary of change*	*Review*	*Action*
	and native oysters as fish habitat enhancement projects.	are not discussed in the current SMP.	fish habitat enhancement projects (RCW 77.55.181) applies if or if not mentioned in the SMP. The process exempts certain enhancement projects from local permits.
2017			
a.	OFM adjusted the **cost threshold for substantial development** to **$7,047**.	SMP 17.15.261 'Substantial Development' and SMP 17.30.035.1, 'Shoreline Exemptions Listed' state out of date dollar figures.	**Mandatory:** The City must update the threshold-dollar figure and leave the provision stating cost thresholds are periodically amended, due to inflation. The SMP can refer directly to WAC 173-27-040 and eliminate reference to a specific cost threshold for greater code flexibility.
b.	Ecology permit rules clarified the **definition of "development"** does not include dismantling or removing structures.	The SMP definition for 'development' in SMP 17.15.057 does not exclude projects that involve only dismantling or removing structures without any associated development or redevelopment.	**Recommended:** The City should consider adding the following Ecology recommended language: *"Development" does not include dismantling or removing structures if there is no other associated development or re-development.*
c.	Ecology adopted rules clarifying **exceptions to local review under the SMA.**	The current SMP does not have a section dedicated to exceptions.	**Recommended:** The City should consider adding a section regarding developments within Section 17.30, Shoreline Permits, that are not required to obtain a shoreline permit or undergo local review that refers directly to the exceptions in WAC 173-27-044, and -045, as amended. Ecology provides model SMP language. Exempt projects must still comply with the standards of the SMA.

Row	*Summary of change*	*Review*	*Action*
d.	Ecology amended rules that clarify **permit filing procedures** consistent with a 2011 statute.	The current Shoreline Permits section 17.30.000 of the SMP cross- references other city documents for permit filing process and procedures. Within these procedures, there is no mention of Ecology permit filing procedures. Ecology amended WAC 173-27-130 to incorporate a 2011 law relating to permit filing.	**Recommended:** The City may consider incorporating the date of filing to Ecology for Shoreline Substantial Development Permits, Shoreline Conditional Use, and Shoreline Variance Permits directly within SMP 17.30.000 to be consistent with state guidance. This can be accomplished through a direct reference to WAC 173-27-130.
e.	Ecology amended **forestry use regulations** to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	SMP 17.56.010 Forestry/Mining – Development Standards, indicates Forestry uses are prohibited in all SEDs.	No action necessary.
f.	Ecology clarified the SMA does not apply to lands under **exclusive federal jurisdiction**	There are no City shorelines, under exclusive federal jurisdiction.	No action necessary.
g.	Ecology clarified "default" provisions for **nonconforming uses and development**.	SMP 'Definitions' 17.15.000 addresses nonconforming building/structure, nonconforming lot, and nonconforming use. Ecology rule created to separate uses, structure and lot definitions, the city's SMP already contains them.	No action necessary.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting **periodic reviews**.	This is optional and the current SMP does not address the periodic review scope or procedures, and therefore it is not necessary to consider reviewing sections of code for consistency.	No action necessary.

Row	*Summary of change*	*Review*	*Action*
i.	Ecology adopted a new rule creating an **optional SMP amendment process** that allows for a shared local/state public comment period.	LMC 14.26.050 'Amendments' includes local amendment procedures for the SMP, which then cross-reference the City of Lacey Development Guidelines & Public Work Standards (2014)	**Recommended:** The City may consider revising LMC 14.26.050, adding WAC 173-26 reference, to ensure existing procedures allow a combined local/state amendment process in order to expedite SMP updates/mapping amendments.
j.	**Submittal** to Ecology of proposed SMP amendments.	SMP 17.10.005 and 17.10.035 references processing amendments per WAC 173-26.	No action necessary.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the **Americans with Disabilities Act (ADA)**	SMP 17.30.035 'Shoreline Exemptions Listed', spells out SDP statutory exemptions and does not simply cite the RCW's list of exemptions.	**Recommended:** The City may consider revising their exemptions list, adding a new shoreline exemption – *SMP 17.30.035.13* *The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act, 1990 or as amended, to otherwise provide physical access to the structure by individuals with disabilities.* *Optional:* Revise SMP 17.30.035 to cite the RCW exemptions list, eliminating future the need for future updates (RCW available online).
b.	Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system.	Ecology's most updated rating system is already captured within the City's wetland code (LMC Chapter 14.28). The CAO is already adopted as part of the SMP, with a few exceptions.	No action necessary. Changes to the CAO are discussed in further detail in Section 3 below.
2015			
a.	The Legislature adopted a **90-day target** for local	This is optional. However, it appears WSDOT does have ROW within or near Lacey's	*Optional:* Provide a reference to the 90-day review target as a reference in the SMP for consistency with state law.

Row	*Summary of change*	*Review*	*Action*
	review of Washington State Department of Transportation (WSDOT) projects.	shorelines at Woodland Creek and I-5 at the I5 turnaround, Carpenter's Street NE.	
2014			
a.	The Legislature created a new definition and policy for **floating on-water residences** legally established before 7/1/2014.	No stationary floating residences exist in Lacey. SMP Section 17.24.010, Table 3, omits floating on-water residences. Therefore, this regulation does not apply, and no amendments are needed.	No action necessary.
2012			
a.	The Legislature amended the SMA to clarify **SMP appeal procedures**.	Throughout the SMP it is indicated that appeals of the administrator's decision shall be made in accordance with LMC 2.30 and Development Guidelines and Public Works Standards, Ch. 1. This amendment outlines appeal of the SMP itself, however. It does not need to be covered within the SMP.	No action necessary.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved **federal wetland delineation manual**.	The current CAO captures the federal wetland manual and applicable regional supplements, stating under LMC 14.28.090.	No action necessary. Changes to the CAO are discussed in further detail in Section 3 below.
b.	Ecology adopted rules for new commercial **geoduck aquaculture**.	There on area of saltwater shoreline in the City, Nisqually Reach, located in the Natural SED. SMP Section 17.24.010, Table 3 – Uses and Activities by Shoreline Environment Designation, does not allow	No action necessary. Commercial aquaculture in all saltwater shorelines prohibited by the SMP.

Row	*Summary of change*	*Review*	*Action*
		commercial aquaculture in the Natural Designation.	
c.	The Legislature created a new definition and policy for **floating homes** permitted or legally established prior to January 1, 2011.	The SMP is silent on floating homes. They are however, included in the SMP Residential Development definition Residential Development within SMP Section 17.15.208, Tables for Permitted Uses, limits residential types to Single Family Dwellings, Attached Single Family Dwellings & Multi-Family in all SEDs. The SMP Section 17.15.208, does however include floating homes within the definition of 'Residential Development'.	**Recommended:** No floating homes exist in fresh or marine waters. A definition might be added to clarify what floating homes are, consistent with the state statute as follows: **Floating home**, means a single family dwelling unit constructed on a float that, is moored, anchored, or otherwise secured in water, and is not a vessel, even though it may be capable of being towed. *Optional:* Strike out 'floating home' from SMP Section 17.15.208 if decision makers desire to prohibit the use by omission.
d.	The Legislature authorized a new **option to classify existing residential structures as conforming**.	SMP Section 17.25.000, Nonconforming Uses, Lots and Structures for when and how nonconforming residential structures can be continued, expanded, maintained, repaired or replaced. It is unclear if the City considered this option before the September 8, 2011 SMP adoption. The legislative update became effective 7/22/2011; applicable to all comprehensive SMP updates after September 1, 2011. This legislative action does not impact future development; it merely treats existing legally permitted nonconforming development as conforming.	*Optional:* The City may adopt this provision to allow for existing non-conforming development, so long as it was legally permitted prior to SMP adoption, to be conforming to provisions of the SMP. SMP Section 17.25.000 represents combined nonconformance policies and standards, please see Section 5 'Other Issues to Consider' for options to improve clarity and flow in this section.

Row	*Summary of change*	*Review*	*Action*
2010			
a.	The Legislature adopted **Growth Management Act – Shoreline Management Act clarifications**.	SMP 17.10.005, 'Authority', contains references to WAC 173-26, State Master Program, and references herein SMP approval/amendment procedures and master program guidelines of WAC 173-27.	**Recommended:** The City may consider a revision to Section 17/10/040 to include the language, 'effective 14 days from Ecology's written notice of final action'.
2009			
a.	The Legislature created new "relief" procedures for instances in which a **shoreline restoration project within a UGA** creates a shift in Ordinary High Water Mark.	The SMP Section 17.42.020, 'General Development Standards for Restoration' does not address relief procedures.	**Recommended:** The City may consider referencing relief procedures consistent with the criteria and procedures in WAC 173-27-215 under SMP 17.42.020 by referencing a new subsection SMP 17.42.020.5.
b.	Ecology adopted a rule for certifying **wetland mitigation banks**.	The rule is referenced under LMC 14.28.455 of the critical areas code, referring to the wetland mitigation bank certification process.	No action necessary.
c.	The Legislature added **moratoria authority** and procedures to the SMA.	Moratoria procedures are not required to be included in SMP. The City may rely on statute: WAC 173-27-085, if they choose to include this provision at a later date.	**Recommended:** The City may consider adding a section that incorporates moratoria by using Ecology's example wording.
2007			
a.	The Legislature clarified options for defining "**floodway**" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	Floodway is defined in SMP Section 17.15.087, Definitions and covers both Ecology prescribed options and includes excerpt of from state law (RCW 90.58.030)	No action necessary.

Row	*Summary of change*	*Review*	*Action*
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a **list and map of streams and lakes** in shoreline jurisdiction.	The areas of shoreline jurisdiction are shown under Section 17.20.030, in addition to the Comprehensive Plan.	No action necessary.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include **fish habitat enhancement projects** that conform to the provisions of RCW 77.55.181.	SMP 17.30.035 'Shoreline Exemptions Listed', does not include reference to fish habitat enhancement projects under RCW 77.55.181. Further, the list of types of projects which qualify under RCW 77.55.181 was recently expanded (2019) by the legislature to include "restoration of native kelp and eelgrass beds and restoring native oysters" (RCW 77.55.181.(1)(a)(iv) which is not included in the current SMP.	**Recommended:** Update the language in SMP 17.30.035 to include fish habitat enhancement projects and to include restoration of native kelp and eelgrass beds and restoring native oysters (although marine shoreline in Lacey is limited), for consistency with the revised criteria of RCW 77.55.181. See Section 5 'Other Issues to Consider' below regarding amendments to Shoreline Exemptions Listed' for SMP usability.

3. Integration of Current Critical Areas Regulations

The City's current SMP incorporates by reference the city-wide Critical Areas Ordinances, which are codified under Lacey Municipal Code (LMC) Title 14. In 2015, the City made a minor amendment to their SMP, adopting a more recent version of their Wetland Protection chapter 14.28, adopting the most recent 2014 Ecology Wetland Rating System. The SMP also lists certain exceptions from Title 14 which are not incorporated into the SMP due to inconsistency with the Shoreline Management Act.

Table 3-1 below summarizes recommendations to address recent State guidance for critical areas regulations

Table 3-1. Summary of consistency with the SMP and Critical Areas Ordinance and potential revisions.

#	Issue	Relevant Location(s)[1]	Review & Action
1	**Linkage between CAO and SMP**	**Location**: SMP 17.10.020.2(A), References to Plans, Regulations or Information Sources	**Review:** The SMP regulates critical areas in shoreline jurisdiction by a series of adopted ordinances, based upon critical areas type. **Action** ***Recommended***: The City should update each Critical Areas ordinance listed with the most recently adopted version, as required by Ecology, such as Geologically Sensitive Areas and Flood Hazard, Ordinance 1505; Tree and Vegetation Protection and Preservation, Ordinance 1539; and replacing Zero Effect Drainage Discharge with LMC 14.27 Stormwater Management, Ordinance 1525.
2	**July 2018 Ecology Wetland Buffer Guidance**	SMP 17.10.020.2(A) - LMC 14.28 Wetlands Protection	**Review:** Ecology updated their wetland rating guidance in July 2018. Changes include modified habitat score ranges in wetland buffer tables. SMP adopts the wetland buffer table in LMC 14.28.280. Updating this table to reflect Ecology's 2018 guidance would result in a decrease in buffer widths for lower rated wetlands. A discussion is provided below. **Action:** The City will consider revising their wetland buffers to be consistent with the most recent Ecology guidance. A discussion and code analysis is provided below.

#	Issue	Relevant Location(s)[1]	Review & Action
[1] This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.			

Ecology Wetland Buffer Guidance

In July 2018, Ecology updated its guidance for wetland ratings. The change represents best available science (BAS) and includes modified habitat score ranges used in wetland buffer tables. The change in guidance is the result of Ecology's continued evaluation of the 2014 wetland rating system as it relates to the 2004 wetland rating system. Ecology's continued evaluation resulted in revised buffer guidance that is more in line with rating system reference wetland data. This differs from the City's current buffer table (see Table 3-2 below), which only incorporates habitat scores and separates high and low intensity land uses for determining wetland buffers. In incorporating Ecology's guidance, use of wetland categories results in a general reduction of buffers in lower functioning wetlands (see Table 3-3) when compared to the City's current buffer table below. We propose the City modify its wetland regulations to follow Ecology's new guidance, although not required by Ecology at this time. Table 3-2 shows the existing buffer widths under LMC 14.28.280 and Table 3-3 shows Ecology's most recent 2018 guidance.

Table 3-2. Current standard wetland buffer table per LMC 14.28.280

Points for Habitat from Wetland Rating Form	3	4	5	6	7	8	9
Alternative 3A High Intensity	80	100	140	180	220	260	300
Alternative 3A Low Intensity	60	75	105	135	165	195	225

Table 3-3. Reduced wetland buffer widths per July 2018 updated Ecology guidance when minimization measures and corridor are provided

Wetland Category and Type	Buffer Width (in feet) Based on Habitat Score		
	3- 5 (Low)	6-7 (Medium)	8-9 (High)
I: Estuarine and Coastal wetlands	150		
I: All others	75	110	225
II: Estuarine wetlands	110		
II: All	75	110	225
III: All	60	110	225
IV: All	40		

In order to adopt these revised buffers, minimization measures must also be met (Table 3-4). To be consistent with Ecology's guidance, the use of minimization measures must also require protection of a wildlife corridor, when appropriate. To better align with BAS, a wildlife corridor protection requirement is recommended for wetlands with a habitat score of 6 or more. The wildlife corridor is only required, and may apply to the City in areas owned by the county, if an existing, relatively undisturbed corridor at least 100 feet in width exists between the subject wetland and another Washington Department of Fish and Wildlife priority habitat, *and* the off-site portion of the corridor is already protected by a legal mechanism. (Legal mechanisms may include conservation easements, public dedications or tracts etc. established in perpetuity). If so, the applicant must extend the wildlife corridor protection onto the subject parcel to connect it to the wetland. If such a wildlife corridor exists but the protection is not provided, the wetland buffers must be increased by 25%. If no wildlife corridor is present, the buffers shown in Table 3-3 may be used with application of the minimization measures alone.

Table 3-4. Measure to Minimize Impacts to Wetlands.

Disturbance	Required Measures to Minimize Impacts
Lights	• Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strop immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust

4. Consistency with Comprehensive Plan & Other Development Regulations

Based on a review of the City's Comprehensive Plan, LMC Title 16 'Zoning', Title 14 'Buildings and Construction' and the City's Development Guidelines and Public Works Standards, no major inconsistencies were observed within the City's SMP. The City's zoning map contains a Shoreline Master Program overlay indicating the shoreline environment designation.

The table below summarizes an over-arching change that can improve the consistency and administration of the SMP.

Table 4-1. Summary of recommended SMP, LMC & Comprehensive Plan revisions to improve consistency

#	Issue	Relevant Location(s)[1]	Review & Action
Administration			
1	**SMP Goals and Policies**	**Entire SMP**	**Review:** The SMP goals and policies are interspersed with development regulations, making it difficult for residents and other non-professionals to navigate the document to locate development regulations. Applicants nor do staff need SMP goals and policies for reviews. In addition, policies utilizing shall or must will be converted to development standards. **Action:** The City may re-locate policies for all development activities as a standalone section in the SMP, further down and separate from existing formatted development standards.
2	**Remove SMP date cross reference**	**LMC 14.26.010 Shoreline Master Program Adopted**	**Review:** Referencing the SMP adoption date indicates this section will have to be continuously updated. **Action:** Remove effective date to avoid having t0 update code. The SMP is adopted and by this reference made a part of this chapter as though fully set forth herein, at length, those certain plans, rules and

#	Issue	Relevant Location(s)[1]	Review & Action
			regulations known as the "City of Lacey Shoreline Master Program, ~~September, 2011~~", as revised, as the master program for the regulation and development of the shorelines within the jurisdiction of the city, subject to the supplemental local ordinance contained within this code.
3	**Shoreline related regulations in several city documents**	Located throughout associated development regulations, guidelines and standards	**Review:** Shoreline jurisdiction permit activities are regulated by three separate associated development regulations and guidelines standards, the Lacey Municipal Code, 2014 Development Guidelines and Public Works Standards. **Action:** In the future, the City may consider consolidating all items in the Development Guidelines and Public Works Standards Manual regarding shorelines in the LMC *or* SMP. The Manual appears to be administrated by the PW Department. Alternatively compose development bulletins outlining the process for applicants that can be amended easily as regulations change versus having to change the LMC, SMP and Development Guidelines and Public Works Standards.
4	**Signage Reference**	SMP 17.67 Signage, LMC 16.75 Sign Regulations	**Review:** The policy refers to an incorrect sign code reference for home occupations. In addition, this is more a regulation than a policy. **Action:** The City will consider referencing LMC 16.75.090 and relocating to the regulations portion of the SMP.

[1] This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.

5. Other Issues to Consider

In addition to the issues discussed in the previous sections of this report, several other issues in the current SMP could be addressed as part of the periodic update process to produce a more effective and as requested by city staff, as a user friendly and a well-organized document. Other issues are described in Table 5-1 below.

Table 5-1. Other issues that could be addressed to produce a more effective SMP.

#	Issue	Relevant Location(s)[1]	Review & Action
Administration			
1	**Shoreline Exemptions**	SMP 17.30.035 Shoreline Exemptions Listed	**Review:** Shoreline exemptions listed in WAC 173-27-040 are amended by the legislature. It appears items 1-12 mirror those listed in the WAC. City staff my cross-reference the most up to date exemptions online as the majority of the city's shorelines are single-family residential. **Action:** The City may consider striking out 17.30.035 and replace with 'To qualify for an exemption, the proposed use, activity, or development must meet the requirements for a exemption as described in WAC 173-27-040, or as amended.
2	**Definition for 'qualified professional'**	SMP 17.15.000 'Definitions'	**Review:** No definition for qualified professional exists within the SMP. **Action:** City may consider revising section SMP 17.15.273 to state, for example: *A qualified professional for critical areas shall have a minimum of five (5) years of experience in the pertinent scientific discipline and experience in preparing critical area reports. A qualified critical area professional must have obtained a Bachelor's degree in biology, engineering, geology, environmental studies, fisheries, geomorphology, or a related field. The Planning Official may require professionals to demonstrate the basis for qualifications and shall make the final determination as to qualifications.*
3	**Scrivener's error**	SMP Introduction Appendix 3 – Restoration Plan A3-5, Para. 3	**Review:** A typo was found in the intro section of the SMP. Note, Appendix 3, Restoration Plan is going to be removed from the SMP document.

#	Issue	Relevant Location(s)[1]	Review & Action
			The Restoration Plan will be a standalone supporting document. **Action:** More ecologically friendly, soft bioengineered approaches for beach stabilization may not meet the definition of development or substantial development so may be exempt from having to obtain a Shoreline Substantial ~~Develoment~~ Development permit.
4	**Nonconformance policies and standards**	SMP Section 17.25.000	**Review:** Nonconformance is a key issue for grandfathered structures and uses for residential shoreline property owners. **Action:** The City may consider reviewing, summarizing and streamlining development regulations in one easy to use section, cleaning up phrasing, in addition to moving it further back in the SMP, behind residential development standards.
5	**Consolidate residential development standards**	SMP 17.24.000 Tables for Permitted Uses, Development Standards and Modifications; SMP 17.63 Residential Development; LMC 16.19, Shoreline Zoning	**Review:** Residential development standards are within Part Three, the alphabetically organized section of the SMP. As a predominant use along the shoreline, residential provisions would benefit from a re-location to near the top of the SMP. **Action:** The City may consider consolidating residential development standards and use matrices into one place under SMP 17.26, and Piers and Docks, a frequently referenced residential standard, to SMP 17.25. In addition, shoreline modifications listed under SMP 17.45 can be re-located to within this section, as it provides a good reference to the location of common shoreline activities. All remaining development standards would remain alphabetical.

#	Issue	Relevant Location(s)[1]	Review & Action
6	**Expand enforcement and violations section**	SMP 17.30.055 Penalties and Enforcement	**Review:** The current enforcement provisions could be improved to address violations with more specificity. **Action:** The City may consider modeling their enforcement provisions after comparable lake-oriented jurisdictions. The City of Federal Way includes direct reference to WAC 173-27-270 – 300 which describe the step by step process for Order to cease and desist, Civil penalty, Appeal of civil penalty, and Criminal penalty. The City of Kirkland calls for immediate abatement of illegal activities, providing a general reference to WAC 173-27 for authority under KZC 83.550. The City of Bothell, under BMC 13.17.140 Enforcement Authority, references enforcement action by the City or Ecology under their violations chapter 11.20, as well as WAC 173-27-240 – 300.
7	**Vegetation Management – Clearer expectations needed for applicant**	SMP 17.41, Table 1 Vegetation Management Appendix 2, shoreline practices and planting template	**Review:** SMP 17.41 Table 1 does not give clear direction for the applicant where the vegetation management restoration is to occur, nor does it provide concise directions on site plan requirements. **Action:** The City may consider providing more concise standards such as emphasizing placement of shoreline vegetation within the first 10-feet along the shoreline. In addition, shoreline practices and planting template examples listed in Appendix 2 would benefit directly within this SMP section. Furthermore, thresholds for development with no increase to impervious surfaces in vegetation management areas may forgo requiring a landscape architect, should they meet the right plant spacing and site plan requirements.
8	**Remove SMP Appendices**	SMP Part 4 Appendices 1-7	**Review:**

#	Issue	Relevant Location(s)[1]	Review & Action
			While SMP appendices are useful reference documents, they are not required to be attached to the current SMP development regulations parts 1-3. **Action:** The City may consider removing Part 4 – Appendices 1-7 from the SMP and treating them as a separate standalone document. These can remain as standalone appendices to be otherwise referenced. The SED map should remain as an appendix.
9	**Combine SMP Parts 1-3**	Table of Contents, SMP 17.10.000, 17.24.000, 17.30.000, 17.40.000, 17.43.000, 17.70.000	**Review:** the current SMP development regulations are currently separated into three separate parts. This can cause confusion for an applicant in determining which part(s) they should refer to when proposing an activity or development within SMP jurisdiction. **Action:** The City may consider removing/combing these parts into separate articles with headings describing the contents within each article for ease of access and reference.
10	**Remove Table references**	17.24, 17.41.021	**Review:** the current SMP Table references are out of order (Table 1 is further down in the document than Tables 3-5, for example) and are adjacent to code sections. **Action:** The City may consider removing table # references and using the direct code reference for readability.
11	**Woodland Creek Shoreline Jurisdiction**	17.20.030	**Review:** Woodland Creek shoreline jurisdiction is not clearly defined under this section. **Action:** The City may consider adding the WAC definition for streams that qualify under

#	Issue	Relevant Location(s)[1]	Review & Action
			shoreline jurisdiction: streams with a 20 cubic feet per second, mean annual flow requirement.

[1] This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.

6. References

Ecology (Washington State Department of Ecology). September 2019. Periodic Review Checklist Guidance. Shoreline Master Program Periodic Review. Accessed December 2019. https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox/2019/PeriodicReview_Checklist_Guidance_9-19_rev.pdf

Ecology (Washington State Department of Ecology). July 2018. July 2018 Modifications for Habitat Score Ranges. Modified from Wetland Guidance for CAO Updates: Western Washington Version. Ecology Publication No. 16-06-001. Accessed November 2018. https://fortress.wa.gov/ecy/publications/parts/1606001part1.pdf

Ecology (Washington State Department of Ecology). June 2016. Wetland Guidance for CAO Updates: Western Washington Version. Ecology Publication No. 16-06-001.

Hruby, T. 2014. Washington State Wetland Rating System for Western Washington: 2014 Update. Ecology Publication No. 14-06-029. Washington State Department of Ecology, Olympia, WA.

Lacey (City of Lacey). August 11, 2016. 2016 Comprehensive Plan. City of Lacey, Lacey, WA. Accessed January 2020. https://www.ci.lacey.wa.us/city-government/city-departments/community-and-economic-development/planning-documents/library/comprehensive-plan

Lacey (City of Lacey). October 2011. City of Lacey Shoreline Master Program. City of Lacey, WA. Accessed December 2020.

https://www.ci.lacey.wa.us/city-government/city-departments/community-and-economic-development/planning-documents/library/shoreline_master_program

Washington Administrative Code. 2018. Washington State Legislature. Available online: http://apps.leg.wa.gov/WAC/default.aspx.

Chapter 14.26
SHORELINE MASTER PROGRAM[1]

Sections:

14.26.010 Adopted
14.26.020 Fees amended
14.26.030 General provisions
14.26.040 Applications for permits
14.26.050 Amendments
14.26.060 Appeals

14.26.010 Adopted[2].

There is adopted and by this reference made a part of this chapter as though fully set forth herein, at length, those certain plans, rules and regulations known as the "City of Lacey Shoreline Master Program, ~~September~~Month, 202X, Ordinance X, [date]~~11~~" as the master program for the regulation and development of the shorelines within the jurisdiction of the city, subject to the supplemental local ordinance contained within this code. (Ord. 1466 §1, 2015; Ord. 1375 §10, 2011; Ord. 693 §1, 1984; Ord. 436, 1976).

Commented [AC1]: Table 4-1 #2

14.26.020 Fees amended.

The fees to be paid to the city upon submittal of a shoreline application shall be established by resolution of the city council. No fee shall be charged for a Shoreline Conditional Use Permit, a Shoreline Timber Cutting Permit or a Shoreline Variance if the application or applications is submitted in conjunction with a Shoreline Substantial Development Permit. (Ord. 693 §2, 1984; Ord. 666 §35, 1982; Ord. 516 §2, 1979).

14.26.030 General provisions.

Pursuant to the authority of the Shoreline Master Program for the Thurston Region and Chapter 90.58 RCW, this section and subsequent sections of this chapter, together with the fees established by resolution of the city council, shall constitute a local ordinance. The provisions of the master program and this title are supplementary to the provisions of Chapter 90.58 RCW and WAC Title 173. (Ord. 693 §3, 1984; Ord. 630 §2 (part), 1981).

14.26.040 Applications for permits.

Applications for shoreline substantial development permits, conditional use permits and variance permits are subject to and shall be processed pursuant to Chapter 173-14 WAC as now or hereafter amended, the City of Lacey Development Guidelines and Public Works Standards and pursuant to the requirements of this section, which are set forth as follows. (Ord. 1375 §11, 2011; Ord. 1192 §22, 2002; Ord. 630 §2 (part), 1981).

14.26.050 Amendments.

Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter 173-19 WAC as now or hereafter amended and in accordance with the Legislative Review Process described in Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §23, 2002; Ord. 630 §2 (part), 1981).

14.26.060 Appeals.

Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with the appeal procedures outlined in Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §24, 2002; Ord. 630 §2 (part), 1981).

1 Code reviser's note: Chapter 14.26 LMC was readopted in its entirety by Ord. 742, passed March 28, 1985.

2 Code reviser's note: The Shoreline Master Program adopted by reference by this section has been amended by Ordinance 1466.

The Lacey Municipal Code is current through Ordinance 1567, passed May 14, 2020.

Disclaimer: The city clerk's office has the official version of the Lacey Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ci.lacey.wa.us
Code Publishing Company

Chapter 14.28
WETLANDS PROTECTION

Sections:

14.28.010 Findings of fact
14.28.020 Purpose
14.28.030 Definitions
14.28.040 Abrogation and greater restrictions
14.28.050 Interpretation
14.28.060 Qualified professional or technical wetland consultant or scientist
14.28.065 Listing of qualified professional or technical wetlands consultants or scientists
14.28.067 Contracting with qualified professional wetland consultants or scientists
14.28.070 Applicability
14.28.080 Maps and inventory
14.28.090 Determination of regulatory wetland boundary
14.28.100 Wetlands rating system
14.28.110 Regulated activities
14.28.120 Allowed activities
14.28.130 Special uses
14.28.140 Repealed
14.28.150 Repealed
14.28.160 Wetland development permit extensions
14.28.170 Request for determination of applicability
14.28.180 Repealed
14.28.190 Application information requirements
14.28.200 Repealed
14.28.210 Repealed
14.28.220 Notice on title
14.28.230 Consolidated application process
14.28.240 Repealed
14.28.250 Repealed
14.28.260 Repealed
14.28.270 Standards for wetland decisions--Generally
14.28.280 Wetland buffers--Standard buffer zone widths
14.28.290 Increased wetland buffer zone width
14.28.300 Repealed
14.28.310 Standard wetland buffer width averaging
14.28.320 Permit processing--Retention of natural buffer zones
14.28.330 Repealed
14.28.340 Permit processing--Building setback lines

14.28.350 Avoiding wetland impacts
14.28.360 Minimizing wetlands impacts
14.28.370 Open space credit
14.28.380 Acting on the application--Special conditions
14.28.390 Acting on the application-- Financial security
14.28.400 Application approval--Other laws and regulations
14.28.410 Application approval-- Suspension, revocation
14.28.420 Notice of final decision
14.28.430 Application approval-- Compensating for wetlands impacts
14.28.440 Application approval-- Compensatory mitigation--Applicant requirements
14.28.445 Performance standards--Mitigation requirements
14.28.447 Type and location of mitigation
14.28.450 Application approval--Compensatory mitigation--Wetlands restoration and creation
14.28.455 Wetland mitigation banks and in-lieu fee
14.28.460 Application approval--Compensatory mitigation--Wetlands enhancement
14.28.465 Wetland preservation as mitigation
14.28.470 Repealed
14.28.480 Repealed
14.28.490 Application approval--Compensatory mitigation--Timing
14.28.500 Application approval--Compensatory mitigation--Cooperative restoration, creation or enhancement projects
14.28.510 Application approval-- Mitigation plans
14.28.520 Appeals
14.28.530 Modification of wetland approvals
14.28.540 Resubmittal of denied permit applications
14.28.550 Temporary emergency approval
14.28.560 Enforcement
14.28.570 Non-conforming activities
14.28.580 Repealed
14.28.590 Amendments
14.28.600 Severability
14.28.610 Assessment relief

14.28.010 Findings of fact.

The city council of the city of Lacey hereby finds that:

A. Wetlands and their buffer areas are valuable and fragile natural resources with significant development constraints due to flooding, erosion, soil liquefaction potential, and septic disposal limitations.

B. In their natural state, wetlands provide many valuable social and ecological services, including:

1. Controlling flooding and stormwater runoff by storing or regulating natural flows;

2. Protecting water resources by filtering out water pollutants, processing biological and chemical oxygen demand, recycling and storing nutrients, and serving as settling basins for naturally occurring sedimentation;

3. Providing areas for ground water recharge;

4. Preventing shoreline erosion by stabilizing the substrate;

5. Providing habitat areas for many species of fish, wildlife, and vegetation, many of which are dependent on wetlands for their survival, and many of which are on Washington State and Federal Endangered Species lists;

6. Providing open space and visual relief from intense development in urbanized area;

7. Providing recreation opportunities; and

8. Serving as areas for scientific study and natural resource education.

C. Development in wetlands results in:

1. Increased soil erosion and sedimentation of downstream water bodies, including navigable channels;

2. Increased shoreline erosion;

3. Degraded water quality due to increased turbidity and loss of pollutant removal processes;

4. Elimination or degradation of wildlife and fisheries habitat;

5. Loss of fishery resources from water quality degradation, increased peak flow rates, decreased summer low flows, and changes in the stream flow regimen;

6. Loss of stormwater retention capacity and slow release detention resulting in flooding, degraded water quality, and changes in the stream flow regimen of watersheds;

7. Loss of ground water recharge areas;

8. Loss or degradation of open space and natural aesthetics of wetland areas;

9. Loss or degradation of natural recreation opportunities provided by wetland areas;

10. Loss of opportunities for scientific study of wetland areas.

D. Buffer areas surrounding wetlands are essential to maintenance and protection of wetland functions and values. Buffer areas protect wetlands from degradation by:

1. Stabilizing soil and preventing erosion;
2. Filtering suspended solids, nutrients and harmful or toxic substances;
3. Moderating impacts of stormwater runoff;
4. Moderating system microclimate;
5. Protecting wetland wildlife habitat from adverse impacts;
6. Maintaining and enhancing habitat diversity and/or integrity;
7. Supporting and protecting wetlands plant and animal species and biotic communities; and
8. Reducing disturbances to wetland resources caused by intrusion of humans and domestic animals.

E. The loss of the social and ecological services provided by wetlands results in a detriment to public safety and welfare; replacement of such services, if possible at all, can require considerable public expenditure.

F. A considerable acreage of these important natural resources has been lost or degraded by draining, dredging, filling, excavating, building, polluting, and other acts inconsistent with the natural uses of such areas. Remaining wetlands are in jeopardy of being lost, despoiled, or impaired by such acts.

G. It is therefore necessary for the city of Lacey to ensure maximum protection for wetland areas by discouraging development activities in wetlands and those activities at adjacent sites that may adversely affect wetland functions and values, to encourage restoration and enhancement of already degraded wetland systems, and to encourage creation of new wetland areas. (Ord. 912 §1 Sec. 1.1, 1991).

14.28.020 Purpose.

A. It is the policy of the city of Lacey to require site planning to avoid or minimize damage to wetlands wherever possible; to require that activities not dependent upon a wetland location be located at upland sites; and to achieve no net loss of wetlands by requiring restoration or enhancement of degraded wetlands or creation of new wetlands to offset losses that are unavoidable.

B. In addition, it is the intent of the city of Lacey that activities in or affecting wetlands not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values by:

1. Impeding flood flows, reducing flood storage capacity, or impairing natural flood control functions, thereby resulting in increased flood heights, frequencies, or velocities on other lands;

2. Increasing water pollution through location of domestic waste disposal systems or stormwater systems in wetlands; unauthorized application of pesticides and herbicides; disposal of solid waste at inappropriate sites; creation of unstable fills; or the destruction of wetland soils and vegetation;

3. Increasing erosion;

4. Decreasing breeding, nesting, and feeding areas for many species of waterfowl and shorebirds, including those rare and endangered;

5. Interfering with the exchange of nutrients needed by fish and other forms of wildlife;

6. Decreasing habitat for fish and other forms of wildlife;

7. Adversely altering the recharge or discharge functions of wetlands, thereby impacting ground water or surface water supplies;

8. Significantly altering wetland hydrology and thereby causing either short- or long-term changes in vegetational composition, soils characteristics, nutrient cycling, or water chemistry;

9. Destroying sites needed for education and scientific research, such as outdoor biophysical laboratories, living classrooms, and training areas;

10. Interfering with public rights in navigable waters and the recreation opportunities provided by wetlands for fishing, boating, hiking, bird watching, photography and other passive uses; or

11. Destroying or damaging aesthetic and property values, including significant public view sheds.

C. The purposes of this chapter are to protect the public health, safety and welfare by preventing the adverse environmental impacts of development enumerated in LMC 14.28.010, and by:

1. Preserving, protecting and restoring wetlands functions and values by regulating development within wetlands and wetland buffers;

2. Protecting the public against losses from:

a. Unnecessary maintenance and replacement of public facilities, including the dredging of ports and navigation channels;

b. Publicly funded mitigation of avoidable impacts;

c. Cost for public emergency rescue and relief operations; and

d. Potential litigation from improper construction practices authorized for wetland areas;

3. Alerting appraisers, assessors, owners, and potential buyers or lessees to the development limitations of wetlands;

4. Providing city of Lacey officials with information to evaluate, approve, condition, or deny public or private development proposals;

5. Implementing the policies of the Growth Management Act, the State Environmental Policy Act, Chapter 43.21C RCW, Puget Sound Water Quality Management Plan, Washington State Executive Order 90-04, the Land Use Element of the Comprehensive Plan, the City Comprehensive Plan for Outdoor Recreation, the City Zoning Code (LMC Title 16), the City Environmental Policy Ordinance (Chapter 14.24 LMC), Shoreline Master Program (Chapter 14.26 LMC), Tree Protection and Preservation Ordinance (Chapter 14.32 LMC), and all other present and future city of Lacey functional, environmental and community plans and programs. (Ord. 1505 §1, 2017; Ord. 912 §1 Sec. 1.2, 1991).

14.28.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

B. "Applicant" means a person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

C. "Best management practices" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and

2. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and

3. Protect trees and vegetation designated to be retained during the following site construction; and

4. Provide standards for proper use of chemical herbicides within critical areas.

D. "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 in WAC 365-195-900 through 365-195-925.

E. "Compensation project" means actions necessary to replace project-induced wetland and wetland buffer losses, including land acquisition, planning, construction plans, monitoring and contingency actions.

F. “Compensatory mitigation” means replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. “Restoration” - Actions performed to reestablish wetland functional characteristics and processes which have been lost by alterations, activities, or catastrophic events within an area which no longer meets the definition of a wetland.

2. “Creation” - Actions performed to intentionally establish a wetland at a site where it did not formerly exist.

3. “Enhancement” - Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

4. “Preservation” - actions taken to ensure the permanent protection of existing high quality wetlands.

G. “Creation” means the manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species.

H. “Department” means the Washington State Department of Ecology.

I. “Developable area” means an area of land outside of wetlands and wetland buffers.

J. “Emergent wetland” means a regulated wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

K. “Enhancement” means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

L. “Essential habitat” means habitat necessary for the survival of federally listed threatened, endangered, and sensitive species and state listed priority species.

M. “Existing and ongoing agriculture” includes those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or

has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

N. "Exotic" means any species of plants or animals that are foreign to the planning area.

O. "Extraordinary hardship" means strict application of this chapter and/or programs adopted to implement this chapter by the city of Lacey would prevent all reasonable economic use of the parcel.

P. "Financial security" means a method of providing surety of financial performance and may include provision of a bond, assignment of savings, letter of credit or other financial guarantee approved by the city attorney.

Q. "Forested wetland" means a regulated wetland with at least twenty percent of the surface area covered by woody vegetation greater than twenty feet in height.

R. "Functions," "beneficial functions," or "functions and values" means the beneficial roles served by wetlands including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

S. "High intensity land use" includes land uses which are associated with moderate or high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, urban residential densities, active recreation uses, and commercial and industrial land uses.

T. "High quality wetlands" are those regulated wetlands which meet the following criteria:

1. No, or isolated, human alteration of the wetland topography;

2. No human-caused alteration of the hydrology or else the wetland appears to have recovered from the alteration;

3. Low cover and frequency of exotic plant species;

4. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;

5. If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and

6. No known major quality problems.

U. "Hydric soil" means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands."

V. "Hydrophytic vegetation" means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands."

W. "In-kind compensation" means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not necessarily mean replacement "in-category."

X. "In-lieu-fee program" means an agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public natural resource agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees' required mitigation.

Y. "Isolated wetlands" means a wetland that is hydrologically isolated from other aquatic resources as determined by the United States Army Corps of Engineers (USACE). Isolated wetlands may perform important functions and are protected by state law (Chapter 90.48 RCW) whether or not they are protected by federal law.

Z. "Lot of record" means a lot legally established by survey or legal description and recorded at the county auditor's office prior to adoption of the city of Lacey subdivision ordinance or a lot legally established after adoption of the city of Lacey subdivision regulations by recording of a building site plan, subdivision or short subdivision at the county auditor's office. The definition of lot shall be that definition used in the Lacey subdivision ordinance (LMC 15.02.020(Y)).

AA. "Low intensity land use" includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts, including, but not limited to, passive recreation, open space, agricultural, or forest management land uses.

BB. "Mitigation" includes avoiding, minimizing or compensating for adverse wetland impacts. Mitigation in the following order of preference is:

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 during the life of the action;

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;

6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above measures.

CC. "Monitoring" means evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring includes gathering baseline data.

DD. "Native vegetation" means plant species which are indigenous to the area in question.

EE. "Off-site compensation" means to replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

FF. "On-site compensation" means to replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.

GG. "Out-of-kind compensation" means to replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-of-category."

HH. "Practicable alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to regulated wetlands. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

II. "Preservation" means the removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or conservation easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

JJ. "Priority habitats" are a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration.

KK. "Priority species" are those species that are of concern due to their population status and their sensitivity to habitat manipulation. Priority species include those which are state-listed endangered, threatened, and sensitive species as well as other species of concern and game species.

LL. "Puget Sound" means all salt waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia, lying east of one hundred twenty-three degrees, twenty-four minutes west longitude.

MM. "Qualified professional or technical wetlands consultant or scientist" means an individual or team that has both the academic qualifications and field experience to provide the technical expertise for making competent wetland delineations and recommendations necessary to implement the goals and requirements of this chapter. Said persons must have previous demonstrated competence in wetland work by having successfully prepared complex wetland studies that have been approved and accepted by the State Department of Ecology, and must be accepted by the city of Lacey pursuant to the requirements of LMC 14.28.065 and 14.28.067.

NN. "Regulated activities" means any of the following activities which are directly undertaken or originate in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

2. The dumping, discharging, or filling with any material;

3. The draining, flooding, or disturbing of the water level or water table;

4. The driving of pilings;

5. The placing of obstructions;

6. The construction, reconstruction, demolition, or expansion of any structure;

7. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland or any other activity taking place in a wetland or buffer involving the modification of vegetation falling under the jurisdiction of the city's Tree and Vegetation Protection and Preservation Ordinance;

8. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants.

OO. "Regulated wetlands" means all wetlands as defined herein and wetlands which fall waterward of the ordinary high water mark of lakes; except that the following wetlands may be filled if the impacts are fully mitigated based on the requirements of LMC 14.28.445. In order to verify the following conditions, a wetland report shall be submitted:

1. All isolated Category IV wetlands less than four thousand square feet that:

    a. Are not associated with riparian areas or their buffers;

b. Are not associated with shorelines of the state or their associated buffers;

c. Are not part of a wetland mosaic;

d. Do not score five or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update or as revised and approved by Ecology; and

e. Do not contain a Priority Habitat or a Priority Area for a Priority Species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat, or species of local importance identified in Chapter 14.33 LMC.

2. Wetlands less than one thousand square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this chapter;

PP. "Repair or maintenance" means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.

QQ. "Restoration" means measures taken to restore an altered or damaged natural feature, including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and

2. Actions performed to re-establish structural and functional characteristics of a critical area that have been lost by alteration, past management activities, or catastrophic events.

RR. "Scrub-shrub wetland" means a regulated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height as the uppermost strata.

SS. "Serviceable" means presently usable.

TT. "Unavoidable and necessary impacts" are impacts to regulated wetlands that remain after a person proposing to alter regulated wetlands has demonstrated that no practicable alternative exists for the proposed project.

UU. "Water-dependent" means requiring the use of surface water that would be essential to fulfill the purpose of the proposed project.

VV. "Wetlands" are those 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 adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater

treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a regulated wetland, local government shall use the approved federal wetland delineation manual and applicable regional supplements.

WW. "Wetlands site plan review approval" means any approval issued, conditioned or denied to implement the standards of this chapter.

XX. "Wetland buffers" or "wetland buffer zones" is an area that surrounds and protects a wetland from adverse impacts to the functions and values of a regulated wetland.

YY. "Wetland classes," "classes of wetlands" or "wetland types" means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al., 1978).

ZZ. "Wetland edge" means the boundary of a wetland as delineated based on the definitions contained in this chapter.

AAA. "Wetland mitigation bank" means a site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to wetlands or other aquatic resources that typically are unknown at the time of certification to compensate for future, permitted impacts to similar resources.

BBB. "Wetland mosaic" means an area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than one hundred feet from each other; and areas delineated as vegetated wetland are more than fifty percent of the total area of the entire mosaic, including uplands and open water. (Ord. 1505 §2, 2017; Ord. 1449 §1, 2014; Ord. 1215 §2, 2003; Ord. 935 §4, 1992; Ord. 912 §1 Sec. 2, 1991).

14.28.040 Abrogation and greater restrictions.

It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. (Ord. 912 §1 Sec. 3.1, 1991).

14.28.050 Interpretation.

The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter. (Ord. 912 §1 Sec. 3.2, 1991).

14.28.060 Qualified professional or technical wetland consultant or scientist.

It is expected that most applications for wetland approval will require a qualified professional or technical wetland consultant or scientist to provide the information necessary to fulfill the requirements of this chapter. It shall be the responsibility of the applicant to purchase the services of a qualified consultant or scientist. (Ord. 912 §1 Sec. 3.3, 1991).

14.28.065 Listing of qualified professional or technical wetlands consultants or scientists.

The city of Lacey, in consultation with adjacent local jurisdictions and the State Department of Ecology, shall review the qualifications and experience of available wetland consultants and scientists. The city shall prepare a list of such individuals and firms that can satisfy the needs and requirements of the wetland protection ordinance to prepare boundary surveys, mitigation reports, wetland classifications and other reports, complex studies, and recommendations that adequately protect the city wetland resources. The evaluation of these professionals shall consider such things as academic background, relevant experience, past performance in development of wetland reports, studies and recommendations, considering the accuracy and quality of said reports, studies and recommendations, and the success of such reports, studies and recommendations in meeting staff needs for implementation of ordinance requirements and purposes. The city and adjacent jurisdictions may use the required list of qualified consultants and scientists to contract for both public and private projects, pursuant to the requirements of LMC 14.28.067. The list shall be reviewed on an annual basis. (Ord. 935 §5 (part), 1992).

14.28.067 Contracting with qualified professional wetland consultants or scientists.

The city shall, at its option, contract with qualified professional or technical wetland consultants or scientists or require an applicant to contract with one of the listed professionals on the approved list for providing the information and services required of a qualified wetland consultant described herein. If the city contracts with said professionals, such consultants shall be chosen for work on a rotational basis.

Individual applicants will be responsible for payment of costs of the professional for projects necessitating work to be performed by the professional; provided, however, that the city shall be responsible for billing and collecting costs charged to the applicant and transferring said payment to the professional unless the city has opted for some other mechanism of providing for the cost, such as inclusion of cost in application fees. The applicant shall also be responsible for the city's administrative fees in carrying out this service. The director of community and economic development is authorized to prepare administrative guidelines for carrying out the requirements of this section. (Ord. 1505 §3, 2017; Ord. 935 §5 (part), 1992).

14.28.070 Applicability.

A. When any provision of any other ordinance of the city of Lacey conflicts with this chapter, that which provides more protection to wetlands and wetland buffers shall apply unless specifically provided otherwise in this chapter.

B. The city of Lacey is authorized to adopt written administrative procedures for the purpose of carrying out the provisions of this chapter.

C. The city of Lacey shall not grant any approval or permission to conduct a regulated activity in a wetland or wetland buffer until the requirements of this chapter have been fulfilled including but not limited to action on the following: building permit, commercial or residential; site plan; special or conditional use permit; franchise right-of-way construction permit; grading and land clearing permit; master plan development; planned unit development; right-of-way permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; shoreline environmental redesignation; variance; zone reclassification; subdivision; short subdivision; binding site plan, utility and other use permit; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter. (Ord. 912 §1 Sec. 4.1, 1991).

14.28.080 Maps and inventory.

This chapter shall apply to all lots or parcels on which wetlands and/or wetland buffers are located within the jurisdiction of the city of Lacey. The approximate location and extent of wetlands in the city of Lacey is displayed on the city zoning map and wetland maps based upon National Wetland Inventory maps and local aerial photograph studies. The city zoning map and inventory maps are to be used as a guide to the general location and extent of wetlands. Wetlands not shown on the zoning map or National Wetlands Inventory are presumed to exist in the city of Lacey and are protected under all the provisions of this chapter. In the event that any of the wetland designations shown on the maps conflict with the criteria set forth in this chapter the criteria shall control. (Ord. 1505 §4, 2017; Ord. 1215 §3, 2003; Ord. 912 §1 Sec. 4.2, 1991).

14.28.090 Determination of regulatory wetland boundary.

A. The exact location of the wetland boundary shall be determined by the applicant through the performance of a field investigation applying the wetland definition provided in LMC 14.28.030. Qualified professional and technical scientists shall perform wetland delineations using the approved federal wetland delineation manual and applicable regional supplements. The applicant is required under LMC 14.28.190 to show the location of the wetland boundary on a scaled drawing as a part of the permit application.

B. The city of Lacey, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The city of Lacey shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant may be charged for the costs incurred.

C. Where the city of Lacey performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination.

D. Where the applicant has provided a delineation of the wetland boundary, the city of Lacey shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the city of Lacey shall, at the applicant's expense, obtain expert services to render a final delineation. (Ord. 1449 §2, 2014; Ord. 1215 §4, 2003; Ord. 1192 §25, 2002; Ord. 912 §1 Sec. 4.3, 1991).

14.28.100 Wetlands rating system.

The following system shall be used to rate, establish and administer buffer widths and replacement ratios for wetlands. For a detailed explanation of this system, refer to Washington State Wetland Rating System for Western Washington: 2014 Update (Revised, Publication No. 14-06-029, October 2014), or as hereafter amended.

A. *Category I.* Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than one acre; (2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than one acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score eight or nine habitat points and are larger than one acre; and (7) wetlands that perform many functions well (scoring twenty-three points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

B. *Category II.* Category II wetlands are: (1) estuarine wetlands smaller than one acre, or disturbed estuarine wetlands larger than one acre; (2) interdunal wetlands larger than one acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between twenty and twenty-two points).

C. *Category III.* Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between sixteen and nineteen points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between one-tenth and one acre. Wetlands scoring between sixteen and nineteen points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

D. *Category IV.* Category IV wetlands have the lowest levels of functions (scoring fewer than sixteen points) and are often heavily disturbed. These are wetlands that can be replaced, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

E. The city of Lacey shall have the authority to re-evaluate Category II and III wetlands when the calculation from the rating manual results in point values from seven to three habitat points, or the point value described in the wetland rating manual as hereafter amended. This re-evaluation shall be documented in writing and the city may use the descriptions of these wetland categories as guidance in determining the appropriate wetland rating.

F. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the ordinance codified in this chapter; as the wetland may naturally change thereafter; or as the wetland may change in accordance with permitted activities. Wetland ratings shall not be altered to recognize illegal modifications. (Ord. 1505 §5, 2017; Ord. 1449 §3, 2014; Ord. 1215 §5, 2003; Ord. 935 §5 (part), 1992).

14.28.110 Regulated activities.

A wetland development permit shall be obtained from the city of Lacey pursuant to the quasi-judicial review procedures contained in Section 1C.050 of the city of Lacey Development Guidelines and Public Works Standards prior to undertaking the following activities in a regulated wetland or its buffer.

A. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

B. The dumping, discharging, or filling with any material;

C. The draining, flooding, or disturbing of the water level or water table;

D. The driving of pilings;

E. The placing of obstructions;

F. The construction, reconstruction, demolition, or expansion of any structure;

G. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;

H. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants. (Ord. 1192 §26, 2002; Ord. 912 §1 Sec. 5.1, 1991).

14.28.120 Allowed activities.

The activities listed below are allowed in wetlands and/or their buffers. These activities do not require submission of a wetland report, except where noted. These activities include:

A. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.

B. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

C. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.

D. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

E. Educational and scientific research activities.

F. Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.

G. Site investigation related to development of a wetland report.

H. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.

I. *Stormwater Management Facilities.* A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment or Flow Control BMP if all of the following criteria are met:

1. The wetland is classified as a Category IV or a Category III wetland with a habitat score of three to four points; and

2. There will be no net loss of functions and values of the wetland; and

3. The wetland does not contain a breeding population of any native amphibian species; and

4. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach" (available here: http://www.ecy.wa.gov/biblio/0906032.html); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan; and

5. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and

6. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits.

Stormwater LID BMPs required as part of new and redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site. (Ord. 1505 §6, 2017; Ord. 1215 §6, 2003; Ord. 1192 §27, 2002; Ord. 1012 §1, 1995; Ord. 935 §6, 1992; Ord. 912 §1 Sec. 5.2, 1991).

14.28.130 Special uses.

Any activity other than those specified in LMC 14.28.120 may not be conducted in wetlands or wetland buffers except upon wetland development approval from the city of Lacey pursuant to the quasi-judicial review procedures contained in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1505 §7, 2017; Ord. 1192 §28, 2002; Ord. 912 §1 Sec. 5.3, 1991).

14.28.140 Repealed.

Repealed by Ord. 1505. (Ord. 1496 §16, 2016; Ord. 1215 §7, 2003; Ord. 935 §7, 1992; Ord. 912 §1 Sec. 5.4, 1991).

14.28.150 Repealed.

Repealed by Ord. 1192. (Ord. 912 §1 Sec. 6.1, 1991).

14.28.160 Wetland development permit extensions.

A. Approvals of a wetland development permit shall normally be valid for a period of eighteen months from the date of issue and shall expire at the end of that time pursuant to requirements of Chapter 16.84 LMC unless an underlying action such as subdivision approval has a longer approval period, in which case the longer approval period shall apply.

B. An extension of an original approval may be granted upon written request submitted to the city of Lacey at least thirty days prior to the permit expiration date, by the original permit holder or the successor in title. Prior to the granting of an extension, the city of Lacey shall require updated studies and/or additional hearings if, in its judgment, the original intent of the permit is altered or enlarged by the renewal, if the circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original permit. (Ord. 1192 §30, 2002; Ord. 912 §1 Sec. 6.2, 1991).

14.28.170 Request for determination of applicability.

Any person seeking to determine whether a proposed activity or an area is subject to this chapter may request in writing a determination from the city of Lacey. Such a request for determination shall contain plans, data, and other information as may be specified by the city. Determination of applicability shall be valid for a period of one year from the date of issuance. (Ord. 1192 §31, 2002; Ord. 912 §1 Sec. 6.3(a), 1991).

14.28.180 Repealed.

Repealed by Ord. 1192. (Ord. 912 §1 Sec. 6.3(b), 1991).

14.28.190 Application information requirements.

A. An application for wetland development shall be determined complete only when it contains all the information described in Section 1B.050(2) of the City of Lacey Development Guidelines and Public Works Standards and the following information and materials:

1. A description and maps overlaid on an aerial photograph at a scale no smaller than 1"=400' showing the entire parcel of land owned by the applicant and the exact boundary pursuant to LMC 14.28.090 of the wetland on the parcel;

2. A description of the vegetative cover of the wetland and adjacent area including dominant species;

3. A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than 1"=400' showing the location, width, depth and length of all existing and proposed structures, roads, sewage treatment, and installations within the wetland and its buffer;

4. The exact sites and specifications for all regulated activities including the amounts and methods;

5. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet;

6. Top view and typical cross section views of the wetland and its buffer to scale;

7. The purposes of the project and an explanation why the proposed activity cannot be located at other sites including an explanation of how the proposed activity is dependent upon wetlands or water-related resources as described in LMC 14.28.350; and

8. Specific means to mitigate any potential adverse environmental impacts of the applicant's proposal.

B. The city of Lacey may require additional information, including, but not limited to, a wetland report that contains an assessment of wetland functional characteristics, including a discussion of the methodology used; documentation of the ecological, aesthetic, economic, or other values of a wetland; a study of flood, erosion, or other hazards at the site and the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this chapter or to evaluate the proposed use in terms of the purposes of this chapter. The city of Lacey shall maintain and make available to the public all information applicable to any wetland and its buffer. (Ord. 1505 §9, 2017; Ord. 1192 §33, 2002; Ord. 912 §1 Sec. 6.3(c), 1991).

14.28.200 Repealed.

Repealed by Ord. 1192. (Ord. 912 §1 Sec. 6.3(d), 1991).

14.28.210 Repealed.

Repealed by Ord. 1192. (Ord. 912 §1 Sec. 6.3(e), 1991).

14.28.220 Notice on title.

A. The owner of any property with field verified presence of wetland or wetland buffer pursuant to LMC 14.28.090 on which a development proposal is submitted shall file for record with the Thurston County

Auditors Office a notice in the form set forth in subsection B of this section. Such notice shall provide in the public record the presence of a wetland or wetland buffer, the application of this chapter to the property, and that limitations on actions in or affecting such wetlands and their buffers may exist. The applicant shall submit proof that the notice has been filed for record before an activity is commenced on the subject property. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter.

B. Form of Notice:

WETLAND AND/OR WETLAND BUFFER NOTICE

Legal Description: _____

Present owner: _____

NOTICE: This property contains wetlands or their buffers as defined by the city of Lacey Ordinance. The property was the subject of a development proposal for (type of permit) application #_____ filed on (date). Restrictions on use or alteration of the wetlands or their buffers may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of wetlands or wetland buffers and restrictions on their use through setback areas. A copy of the plan showing such setback areas is attached hereto.

_____

Signature of owner

STATE OF WASHINGTON)

COUNTY OF _____)

On this day personally appeared before me to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 19___. NOTARY PUBLIC in and for the state of Washington, residing at _____.

(Ord. 1192 §36, 2002; Ord. 912 §1 Sec. 6.3(f), 1991).

14.28.230 Consolidated application process.

When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time in conformance with Section 1B.030 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §37, 2002; Ord. 912 §1 Sec. 6.4(a), 1991).

14.28.240 Repealed.

Repealed by Ord. 1192. (Ord. 912 §1 Sec. 6.4(b), 1991).

14.28.250 Repealed.

Repealed by Ord. 1192. (Ord. 912 §1 Sec. 6.4(c), 1991).

14.28.260 Repealed.

Repealed by Ord. 1192. (Ord. 1012 §2, 1995; Ord. 912 §1 Sec. 6.4(d), 1991).

14.28.270 Standards for wetland decisions--Generally.

A. An approval shall only be granted if, as conditioned, the decision is consistent with the provisions of this chapter including the following:

1. A proposed action avoids adverse impacts to regulated wetlands or their buffers or takes affirmative and appropriate measures to minimize and compensate for unavoidable impacts;

2. The proposed activity results in no net loss;

3. Denial of a permit would cause an extraordinary hardship on the applicant.

B. Approvals shall not be effective and no activity thereunder shall be allowed during the time provided to file an appeal. (Ord. 1192 §41, 2002; Ord. 912 §1 Sec. 7, 1991).

14.28.280 Wetland buffers--Standard buffer zone widths.

A. Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field pursuant to the requirements of LMC 14.28.090.

B. The width of the wetland buffer zone shall be determined according to wetland category, the proposed land use and the wetland's identified functions and values. ~~,~~

~~Criteria for determination of the appropriate category of wetland and functions and values~~ established as follows based on the category of wetland and the habitat score as determined by a qualified professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). ~~shall be as identified in the publication used by the Department of Ecology for wetland protection and impact mitigation; Wetlands in Washington State Volume 2 - Protecting and Managing Wetlands Appendix 8-C. The specific strategy to be applied from this section shall be the "Modified Buffer Widths in Alternative 3 Using a Graduated Scale for the Habitat Functions (Alternative 3A)."~~ This methodology shall be applied except when the community and economic development director, through consultation with the Department of Ecology, determines that another methodology better addresses best available science and/or the specific circumstances of the wetland and wetland protection needs.

Commented [AC1]: Table 3-1 #2

C. Where an area of a wetland may be classified under more than one category, the category having the greatest buffer area shall apply. These buffer widths presume that buffer area is comprised of relatively intact native vegetation community adequate to protect the wetland functions at values at the time of the proposed activity. If the vegetation is not adequate, then the buffer width may need to be increased or planted to maintain the standard width. Buffer width required for points identified pursuant to the Department of Ecology wetland rating system. (See *Table* 14T-19).

1. For wetlands that score 6 or more points for habitat function, the following conditions must be maintained in order to use the standard buffers, as follows:

    a. If an existing, relatively undisturbed vegetated corridor at least 100 feet wide exists between the on-site wetland and other Priority Habitats, as defined by the Washington State Department of Fish and Wildlife, and the off-site portion of the corridor is already protected via an existing conservation easement, critical areas regulations, or other legal requirement, the portion of the corridor on-site must also be protected by a similar legal protection. All other applicable criteria found in C.2 must also be met. The evaluation of presence or absence of the conditions described above must be completed as part of the critical areas report.

    b. If no such corridor is present to protect, the standard buffers alone may be used with the other applicable criteria contained in this section. If an option for protection of a corridor, as defined under (a) above, exists on the parcel, but is not provided, standard buffer widths must be increased by 33%.

2. The buffer widths in Table 14T-19 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated

with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

~~Points for Habitat from Wetland Rating Form~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~	~~9~~
~~Alternative 3A High Intensity~~	~~80~~	~~100~~	~~140~~	~~180~~	~~220~~	~~260~~	~~300~~
~~Alternative 3A Low Intensity~~	~~60~~	~~75~~	~~105~~	~~135~~	~~165~~	~~195~~	~~225~~

a. Table 14T-19. Wetland Buffer Table.

Wetland Category and Type	**Buffer Width (in feet) Based on Habitat Score**		
	3- 5 (Low)	**6-7 (Medium)**	**8-9 (High)**
I: Estuarine and Coastal wetlands	150		
I: All others	75	110	225
II: Estuarine wetlands	110		
II: All	75	110	225
III: All	60	110	225
IV: All	40		

b. Table 14T-68. Required measures to minimize impacts to wetlands
(Measures are required, where applicable to a specific proposal. If not implemented, wetland buffers as indicated in Table A-1 shall be 25% greater)

Disturbance	**Required Measures to Minimize Impacts**
Lights	• Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management

Disturbance	Required Measures to Minimize Impacts
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (per PSAT publication on LID techniques)
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust
Disruption of corridors or connections	• Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

(Ord. 1505 §10, 2017; Ord. 1449 §7, 2014; Ord. 1295 §1, 2007; Ord. 1215 §8, 2003; Ord. 912 §1 Sec. 7.1(a), 1991).

14.28.290 Increased wetland buffer zone width.

The city of Lacey shall require increased standard buffer zone widths on a case-by-case basis when a larger buffer is necessary to protect wetlands functions and values based on local conditions. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall be attached as a condition and shall demonstrate that:

A. A larger buffer is necessary to maintain viable populations of existing species; or

B. The wetland is used by species listed by the federal government or the state as endangered, threatened, sensitive or as documented priority species or habitats, or essential or outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

C. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

D. The adjacent land has minimal vegetative cover or slopes greater than thirty percent. (Ord. 1505 §11, 2017; Ord. 912 §1 Sec. 7.1(b), 1991).

14.28.300 Repealed.

Repealed by Ord. 1505. (Ord. 1215 §9, 2003; Ord. 1012 §3, 1995; Ord. 935 §5 (part), 1992).

14.28.310 Standard wetland buffer width averaging.

Standard wetland buffer zones may be modified by averaging buffer widths. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

A. That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property and there are no feasible alternatives to the site design that could be accomplished without buffer averaging;

B. That width averaging will not adversely impact the wetland functions and values as demonstrated by a wetland report; and

C. That the total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than twenty-five percent of the standard. (Ord. 1505 §13, 2017; Ord. 912 §1 Sec. 7.1(d), 1991).

14.28.320 Permit processing--Retention of natural buffer zones.

Except as otherwise specified, wetland buffer zones shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required. (Ord. 912 §1 Sec. 7.1(e), 1991).

14.28.330 Repealed.

Repealed by Ord. 1505. (Ord. 912 §1 Sec. 7.1(f), 1991).

14.28.340 Permit processing--Building setback lines.

A building setback line corresponding to the required yard area setback for the underlying zone is required from the edge of any wetland buffer. The setback shall be identified on a site plan which is filed as an attachment to the notice on title required by LMC 14.28.220. (Ord. 912 §1 Sec. 7.1(g), 1991).

14.28.350 Avoiding wetland impacts.

A. Regulated activities and special uses shall not be authorized in a regulated wetland except where it can be demonstrated that the impact is both unavoidable and necessary or that all reasonable economic uses are denied.

B. With respect to Category I wetlands, an applicant must demonstrate that denial would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.

C. With respect to Category II and III wetlands, the following provisions shall apply:

1. For water-dependent activities, unavoidable and necessary impacts can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.

2. Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:

a. The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on a regulated wetland; and

b. A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a regulated wetland or its buffer will not accomplish the basic purpose of the project; and

c. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.

D. With respect to Category IV wetlands, unavoidable and necessary impacts can be demonstrated where the proposed activity is the only reasonable alternative which will accomplish the applicant’s objectives.

E. *Reasonable Use*. If an applicant for a development proposal demonstrates to the satisfaction of the city of Lacey that application of these standards would deny all reasonable economic use of the property, development as conditioned shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the city of Lacey:

1. That the proposed project is water-dependent or requires access to the wetland as a central element of its basic function, or is not water-dependent but has no practicable alternative pursuant to this section;

2. That no reasonable use with less impact on the wetland and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);

3. That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to wetlands and wetland buffers;

4. That the proposed activities will result in minimum feasible alteration or impairment to the wetland's functional characteristics and its existing contours, vegetation, fish and wildlife resources, and hydrological conditions;

5. That disturbance of wetlands has been minimized by locating any necessary alteration in wetland buffers to the extent possible;

6. That the proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, rare, sensitive, or as documented priority species or priority habitats;

7. That the proposed activities will not cause significant degradation of ground water or surface water quality;

8. That the proposed activities comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;

9. That any and all alterations to wetlands and wetland buffers will be mitigated as provided in LMC 14.28.510;

10. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

11. That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.

If the city of Lacey determines that alteration of a wetland and/or wetland buffer is necessary and unavoidable, the city of Lacey shall set forth in writing in the file it maintains regarding a permit application its findings with respect to each of the items listed in this subsection. (Ord. 1215 §10, 2003; Ord. 912 §1 Sec. 7.2, 1991).

14.28.360 Minimizing wetlands impacts.

A. After it has been determined by the city of Lacey pursuant to LMC 14.28.350 that losses of wetland are necessary and unavoidable or that all reasonable economic use has been denied, the applicant shall take deliberate measures to minimize wetland impacts.

B. Minimizing impacts to wetlands shall include but is not limited to:

1. Limiting the degree or magnitude of the regulated activity;

2. Limiting the implementation of the regulated activity;

3. Using appropriate and best available technology and best available science;

4. Taking affirmative steps to avoid or reduce impacts;

5. Sensitive site design and siting of facilities and construction staging areas away from regulated wetlands and their buffers;

6. Involving resource agencies early in site planning; and

7. Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures, scheduling the regulated activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities. (Ord. 1215 §11, 2003; Ord. 912 §1 Sec. 7.3, 1991).

14.28.370 Open space credit.

Up to fifty percent of a development's open space requirement may be satisfied by wetland and wetland area buffers in consideration of the significant passive recreation opportunities provided by said lands. The remaining fifty percent open space requirement must be set aside outside of the wetland and wetland buffer area to provide for and accommodate proposed or potential future active (high intensity) recreational use. (Ord. 1505 §15, 2017; Ord. 1243 §9, 2005; Ord. 1215 §11, 2003; Ord. 1192 §42, 2002; Ord. 912 §1 Sec. 7.4(b), 1991).

14.28.380 Acting on the application--Special conditions.

A. *Sensitive Area Tracts.* As a condition of any approval issued pursuant to this chapter, the applicant shall be required to create a separate sensitive area tract or tracts containing the areas determined to be wetland and/or wetland buffer in field investigations performed pursuant to LMC 14.28.090. Sensitive area tracts are legally created tracts containing wetlands and their buffers that shall remain undeveloped in perpetuity. Sensitive area tracts are an integral part of the lot in which they are created, are not intended for sale, lease or transfer, and shall be included in the area of the parent lot for purposes of subdivision.

1. *Protection of Sensitive Area Tracts.* The city of Lacey shall require, as a condition of any approval issued pursuant to this chapter, that the sensitive area tract or tracts created pursuant to this section be protected by one of the following methods determined by the city of Lacey:

a. The applicant shall convey an irrevocable offer to dedicate to the city of Lacey or other public or non-profit entity specified by the city of Lacey the wetland and buffer area for the protection of the wetland and its buffer to ensure management of the wetland resource in the best interest of the public; or

b. The applicant shall establish and record a permanent and irrevocable deed restriction on the property title and where a division of property is involved on the subdivision, short subdivision or binding site plan map, and in home or lot owners association agreements, covenants and articles of incorporation. All such tracts within a subdivision, short subdivision or binding site plan shall be designated as common open space separate and distinct from private lot areas. Such deed restriction(s) shall prohibit in perpetuity the development, alteration, or disturbance of vegetation within the sensitive area tract except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the city of Lacey, and any other agency with jurisdiction over such activity.

2. *Specific Language for Deed Restrictions.* Deed restrictions required in subsection (A)(1)(b) of this section shall be set forth in substantially the following form:

a. "Before beginning and during the course of any grading, building construction, or other development activity adjacent to a common open space subject to this deed restriction, the common boundary between the area subject to the deed restriction and the area of development activity must be fenced or otherwise marked to the satisfaction of the city of Lacey."

b. Responsibility for maintaining open space tracts shall be held by a lot or homeowners association, or other appropriate entity as approved by the city of Lacey.

c. The following note shall appear on the face of all plats, short plats, PUDs, binding site plans, or other approved site plans containing separate sensitive area tracts to be managed by a lot or homeowners association, and shall be recorded on the title of record for all lots within the development:

NOTE: The association shall be responsible for maintenance and protection of the tracts. Maintenance includes insuring that no alterations occur within the separate tract and that all vegetation remains undisturbed unless the express written authorization of the city of Lacey has been received.

3. *Signage.*

a. *Temporary Markers.* The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the city of Lacey prior to the commencement of permitted activities. This temporary

marking shall be maintained throughout construction and shall not be removed until permanent signs are in place.

b. *Permanent Signs.* As a condition of any permit or authorization issued pursuant to this chapter, the city shall require the applicant to install permanent signs along the boundary of a wetland or buffer.

c. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one every fifty feet, or one per lot if the lot is less than fifty feet wide, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the city:

Protected Wetland Area

Do Not Disturb

Contact City of Lacey Regarding Uses, Restrictions, and Opportunities for Stewardship

4. *Fencing.*

a. The applicant shall be required to install a permanent split-rail fence constructed of non-treated wood around the wetland or buffer when domestic animals are present or may be introduced on site.

b. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

B. *Additional Conditions.*

1. The location of the outer extent of the wetland buffer and the areas to be disturbed pursuant to an approval shall be marked in the field by a qualified professional or technical wetland consultant or scientist, and such field marking shall be approved by the city of Lacey prior to the commencement of approved activities. Such field markings shall be maintained throughout the duration of the approval.

2. The city of Lacey may attach such additional conditions to the granting of approvals as deemed necessary to assure the preservation and protection of affected wetlands and to assure compliance with the purposes and requirements of this chapter. (Ord. 1505 §16, 2017; Ord. 912 §1 Sec. 7.5(a), 1991).

14.28.390 Acting on the application-- Financial security.

A. *Financial Security for Performance.* The city of Lacey shall require the applicant of a development proposal to provide financial security acceptable to the city of Lacey in an amount and with surety and conditions sufficient to fulfill the requirements of LMC 14.28.430 through 14.28.510 and, in addition, to secure compliance with other conditions and limitations set forth in the approval. The amount and the conditions of the financial security shall be consistent with the purposes of this chapter. In the event of a breach of any condition of any such financial security, the city of Lacey may utilize the financial security to fulfill obligations of the approval and take any other steps necessary to gain compliance with approval conditions including instituting an appropriate action in a court of competent jurisdiction. The city of Lacey shall release the financial security upon determining that:

1. All activities, including any required compensatory mitigation, have been completed in compliance with the terms and conditions of the approval and the requirements of this chapter;

2. Upon the posting by the applicant of financial security for maintenance of required improvements for two years.

Until such written release of the financial security by the city such security cannot be released to the applicant.

B. *Maintenance Security.* The city of Lacey shall require the holder of an approval issued pursuant to this chapter to post financial security acceptable to the city of Lacey in an amount and with surety and conditions sufficient to guarantee that structures, improvements, and mitigation required by the approval or by this chapter perform satisfactorily for a minimum of two years after they have been approved or accepted. The city of Lacey shall release the financial security upon determining that performance standards established for evaluating the effectiveness and success of the structures, improvements, and/or compensatory mitigation have been satisfactorily met for the required period. For compensation projects, the performance standards shall be those contained in the mitigation plan developed and approved during the review process pursuant to LMC 14.28.510. The maintenance security applicable to a compensation project shall not be released until the city of Lacey determines that performance standards established for evaluating the effect and success of the project have been met. (Ord. 912 §1 Sec. 7.5(b), 1991).

14.28.400 Application approval--Other laws and regulations.

No approval granted pursuant to this chapter shall remove an applicant’s obligation to comply in all respects with the applicable provisions of any other federal, state, or local law or regulation, including but not limited to the acquisition of any other required permit or approval. (Ord. 912 §1 Sec. 7.5(c), 1991).

14.28.410 Application approval-- Suspension, revocation.

In addition to other penalties provided for elsewhere, the city of Lacey may suspend or revoke an approval if it finds that the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the approved application. (Ord. 912 §1 Sec. 7.5(d), 1991).

14.28.420 Notice of final decision.

The city of Lacey shall provide notice of its actions pursuant to the requirements of Section 1C.070 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §43, 2002; Ord. 912 §1 Sec. 7.5(e), 1991).

14.28.430 Application approval-- Compensating for wetlands impacts.

As a condition of any approval allowing alteration of wetlands and/or wetland buffers, or as an enforcement action pursuant to LMC 14.28.560, the city of Lacey shall require that the applicant engage in the restoration, creation or enhancement of wetlands and their buffers in order to offset the impacts resulting from the applicant's or violator's actions. The applicant shall develop a plan that provides for land acquisition, construction, maintenance and monitoring of replacement wetlands that recreate as nearly as possible the original wetlands in terms of acreage, function, geographic location and setting, and that are larger than the original wetlands. The overall goal of any compensatory project shall be no net loss of wetlands function and acreage and to strive for a net resource gain in wetlands over present conditions. Compensation shall be completed prior to wetland destruction, where possible.

Compensatory mitigation shall follow an approved mitigation plan pursuant to LMC 14.28.510 and shall meet the following minimum performance standards set forth in LMC 14.28.440 through 14.28.510. (Ord. 912 §1 Sec. 7.5(f), 1991).

14.28.440 Application approval-- Compensatory mitigation--Applicant requirements.

Given the uncertainties in scientific knowledge and the need for expertise and monitoring, wetland compensatory projects may be permitted only when the city of Lacey finds that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces. Additionally, applicants shall:

A. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

B. Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals; and

C. Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation and to provide for long-term persistence of the compensation area.

D. Projects shall meet requirements of best available science. (Ord. 1215 §12, 2003; Ord. 912 §1 Sec. 7.5(f)(1), 1991).

14.28.445 Performance standards--Mitigation requirements.

A. Mitigation shall achieve equivalent or greater biological functions. Mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions and shall be consistent with the Department of Ecology's Wetland Mitigation in Washington State--Part 2, Developing Mitigation Plans--Volume 1, and Selecting Wetland Mitigation Sites Using a Watershed Approach, as revised.

B. Mitigation shall result in no net loss. Wetland mitigation actions shall not result in a net loss of wetland area except when the following criteria are met:

1. The lost wetland area provides minimal functions and the mitigation action(s) results in net gain in wetland functions as determined by a site-specific function assessment; or

2. The lost wetland area provides minimal functions as determined by a site-specific function assessment and other protected or enhanced habitats provide greater benefits to the functioning of the watershed, such as riparian habitat protection and enhancement.

C. *Mitigation for Lost Functions and Values.* Mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland functions as those lost except when:

1. The lost wetland provides minimal functions as determined by a site-specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide function shown to be limiting within a watershed through a formal watershed assessment protocol; or

2. Out of kind replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.

D. *Preference of Mitigation Actions.* Mitigation actions that require compensation by replacing, enhancing, or substitution, shall occur in the following order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.

2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, but using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.

4. Reduce or eliminate the impact over time by preservation and maintenance operations.

5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

6. Monitor the required compensation and take remedial or corrective measures when necessary. (Ord. 1505 §17, 2017; Ord. 1215 §13, 2003).

14.28.447 Type and location of mitigation.

Mitigation actions shall be conducted within the same sub-drainage basin and on the site as the alteration except when the following apply:

1. There are no reasonable on-site opportunities or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;

2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

3. Off-site locations shall be in the same sub-drainage basin and the same Water Resource Inventory Area (WRIA) unless;

a. The impact is located near the boundary of a WRIA;

b. Established regional or watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or

c. Credits from a city certified wetland mitigation bank are used as mitigation, and the use of credits is consistent with the terms of the banks certification. (Ord. 1215 §14, 2003).

14.28.450 Application approval--Compensatory mitigation--Wetlands restoration and creation.

A. Any person who alters regulated wetlands shall restore or create equivalent areas or greater areas of wetlands than those altered in order to compensate for wetland losses.

B. Where feasible, restored or created wetlands shall be a higher category than the altered wetland.

C. Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining and projected success. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available techniques. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.

D. *Acreage Replacement Ratio.* The following ratios apply to creation or restoration which is in-kind, on-site, the same category, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from illegal alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a wetland bank approved by the city, the Department of Ecology or the U.S. Corps of Engineers. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

Wetland Mitigation Ratios

Category and Type of Wetland	**Creation or Re-establishment**	**Restoration**
Category l: Bog, Natural Heritage Site	Not considered possible	Case by case
Category l: Mature Forested	6:1	12:1
Category l: Based on Functions	4:1	8:1
Category ll	3:1	6:1
Category III	2:1	4:1
Category IV	1.5:1	3:1

1. *Increased Replacement Ratio.* The city of Lacey may increase the ratios under the following circumstances:

a. Uncertainty as to the probable success of the proposed restoration or creation;

b. Significant period of time will elapse between impact and replication of wetland functions; or

c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

d. The impact was an unauthorized impact.

2. *Decreased Replacement Ratio.* The city of Lacey may decrease these ratios under the following circumstances:

a. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;

b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or

c. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

3. A minimum acreage replacement ratio of 1:1 shall be required except as provided by LMC 14.28.445(B). (Ord. 1449 §4, 2014; Ord. 1215 §15, 2003; Ord. 935 §8, 1992; Ord. 912 §1 Sec. 7.5(f)(2), 1991).

14.28.455 Wetland mitigation banks and in-lieu fee.

A. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

1. The bank is approved by the city, the Department of Ecology, or the U.S. Army Corps of Engineers.

2. The city determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

3. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

B. Replacement ratios for projects using bank credits shall be consistent with the replacement ratios specified in the bank's certification.

C. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one Water Resource Inventory Area (WRIA) for specific wetland functions.

D. To aid in the implementation of off-site mitigation, the city may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or nonprofit natural resource management entity. Credits from an approved in-lieu fee program may be used when the following apply:

1. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts; and

2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu fee program instrument; and

3. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu fee program instrument; and

4. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale; and

5. Projects using in-lieu fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu fee program; and

6. Credits from an approved in-lieu fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu fee instrument. (Ord. 1449 §5, 2014; Ord. 1215 §16, 2003).

14.28.460 Application approval--Compensatory mitigation--Wetlands enhancement.

A. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

B. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under LMC 14.28.450. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland. (Ord. 1215 §17, 2003; Ord. 912 §1 Sec. 7.5(f)(3), 1991).

14.28.465 Wetland preservation as mitigation.

Impacts to wetlands may be mitigated by preservation of wetland areas when used in combination with other forms of mitigation such as creation, restoration, or enhancement at the preservation site or at a separate location. Preservation may also be used by itself, but more restriction, as outlined below, will apply.

A. *Preservation in Combination with Other Forms of Compensation.* Preservation as mitigation is acceptable when done in combination with restoration, creation or enhancement providing that a minimum of 1-to-1 acreage replacement is provided by restoration or creation and the criteria below are met:

1. The impact area is small, and/or impacts are to a category III or IV wetland;

2. Preservation of a high quality system occurs in the same Water Resource Inventory Area (WRIA) or watershed basin as the wetland impact; and

3. Preservation sites include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

B. *Preservation as a Sole Means of Mitigation for Wetland Impacts.* Preservation of at risk, high quality habitat may be considered as the sole means of mitigation of wetland impacts when all of the following criteria are met:

1. Preservation is used as a form of mitigation only after the standard sequencing of mitigation (avoid, minimize, and then compensate) has been applied;

2. Creation, restoration, and enhancement opportunities have also been considered, and preservation is the best mitigation option;

3. The impact to the area is small and/or impacts are to a Category III or IV wetland;

4. Preservation of a high quality system occurs in the same Water Resource Inventory Area or a watershed where the wetland impact occurs;

5. Preservation sites include areas adequate to protect the habitat and its functions from encroachment and degradation;

6. The preservation site is determined to be under imminent threat, specifically, sites with the potential to experience a high rate of undesirable ecological change due to on or off-site activities; “potential” includes permitted, or planned, or perceived actions; and

7. The area proposed for the preservation is of a high quality and critical for the health of the watershed or basin. Some of the following features may be indicative of high quality areas;

   a. Category I or II wetland rating;

   b. Rare wetland type for example, bogs, estuaries;

c. Habitat for threatened or endangered species;

d. Wetland type that is rare in the area;

e. Provides biological and/or hydrological connectivity;

f. High regional or watershed importance for example, listed as a priority site in watershed plan; and

g. Large size with species diversity (plants and/or animals) and/or high abundance.

C. *Mitigation Ratios for Preservation as a Sole Means of Mitigation.* Mitigation ratios for preservation as the sole means of mitigation shall range from 10-to-1 to 20-to-1, as determined by the city, depending on the quality of wetlands being mitigated and the quality of the wetlands being preserved. (Ord. 1215 §18, 2003).

14.28.470 Repealed.

Repealed by Ord. 1215. (Ord. 912 §1 Sec. 7.5(f)(4), 1991).

14.28.480 Repealed.

Repealed by Ord. 1215. (Ord. 912 §1 Sec. 7.5(f)(5), 1991).

14.28.490 Application approval--Compensatory mitigation--Timing.

Where feasible, compensatory projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora. The city may authorize a one time temporary delay, up to one-hundred-twenty days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the city, and include a financial guarantee. (Ord. 1215 §19, 2003; Ord. 912 §1 Sec. 7.5(f)(6), 1991).

14.28.500 Application approval--Compensatory mitigation--Cooperative restoration, creation or enhancement projects.

A. The city of Lacey may encourage, facilitate, and approve cooperative projects wherein a single applicant or other organization with demonstrated capability may undertake a compensation project with funding from other applicants under the following circumstances:

1. Restoration, creation or enhancement at a particular site or wetland type may be scientifically difficult or impossible; or

2. Creation of one or several larger wetlands may be preferable to many small wetlands.

B. Persons proposing cooperative compensation projects shall:

1. Submit a joint permit application;

2. Demonstrate compliance with all standards;

3. Demonstrate the organizational and fiscal capability to act cooperatively; and

4. Demonstrate that long term management can and will be provided. (Ord. 1449 §6, 2014; Ord. 912 §1 Sec. 7.5(f)(7), 1991).

14.28.510 Application approval-- Mitigation plans.

All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as an approval condition or as the result of an enforcement action shall follow a mitigation plan prepared by a qualified professional or technical wetlands consultant or scientist approved by the city of Lacey. The applicant or violator shall receive written approval of the mitigation plan by the city of Lacey prior to commencement of any wetland restoration, creation or enhancement activity. Unless the city of Lacey, in consultation with a qualified professional or technical wetland consultant or scientist, determines, based on the size and nature of the development proposal, the nature of the impacted wetland, and the degree of cumulative impacts on the wetland from other development proposals, that the scope and specific requirements of the mitigation plan may be reduced from what is listed below, the mitigation plan shall contain at least the following components:

A. *Baseline Information.* A written assessment and accompanying maps of the:

1. Impacted wetland including, at a minimum, wetland delineation; existing wetland acreage; vegetative, faunal and hydrologic characteristics; soil and substrate conditions; topographic elevations; and

2. Compensation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

B. *Environmental Goals and Objectives.* A written report shall be provided identifying goals and objectives and describing:

1. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals; identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or if out-of-kind, the type of wetland to be emulated; and

2. A review of the available literature and/or experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and ground water supply and flow patterns, dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

C. *Performance Standards.* Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project have been met and for determining whether additional remedial action or contingency measures must be undertaken. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

D. *Detailed Construction Plans.* Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence, grading and excavation details, erosion and sediment control features needed for wetland construction and long-term survival, a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrate stockpiling techniques and planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

E. *Monitoring Program.* A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

1. Establishing vegetation plots to track changes in plant species composition and density over time;

2. Using photo stations to evaluate vegetation community response;

3. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

4. Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate;

5. Measuring sedimentation rates, if applicable; and

6. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

F. *Contingency Plan.* Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

G. *Approval Conditions.* Any compensation project prepared pursuant to this section and approved by the city of Lacey shall become part of the application for approval.

H. *Financial Security and Demonstration of Competence.* A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. In addition, financial security ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted pursuant to LMC 14.28.380 through 14.28.520 in the amount of one hundred fifty percent of the expected cost of compensation.

I. Regulatory authorities are encouraged to consult with and solicit comments of any federal, state, regional, or local agency, including tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes wetlands compensation. The compensation project proponents should provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

J. Compensatory mitigation is not required for regulated activities:

1. For which an approval has been obtained that occur only in the buffer or expanded buffer and which have no adverse impacts to regulated wetlands; or

2. Allowed activities pursuant to LMC 14.28.120 provided such activities utilize best management practices to protect the functions and values of regulated wetlands. (Ord. 968 §15, 1993; Ord. 912 §1 Sec. 7.5(g), 1991).

14.28.520 Appeals.

Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §44, 2002; Ord. 912 §1 Sec. 7.6, 1991).

14.28.530 Modification of wetland approvals.

An applicant may request modification of a previously issued wetland approval by applying and going through the appropriate review process as described in Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §45, 2002; Ord. 912 §1 Sec. 7.7, 1991).

14.28.540 Resubmittal of denied permit applications.

A wetland application which has been denied may be modified and resubmitted no earlier than one hundred eighty days following action on the original application. An application shall be considered a resubmittal if the site proposed for development was the subject of a wetland application within the previous one hundred eighty days. (Ord. 912 §1 Sec. 7.8, 1991).

14.28.550 Temporary emergency approval.

A. Notwithstanding the provisions of this chapter or any other laws to the contrary, the city of Lacey may issue a temporary emergency wetlands approval if:

1. The city of Lacey determines that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted; and

2. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this act and other applicable laws.

B. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this act and shall:

1. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days; and

2. Require, within this ninety-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the ninety days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.

C. Issuance of an emergency permit by the city of Lacey does not preclude the necessity to obtain necessary approvals from appropriate federal and state authorities.

D. The emergency permit may be terminated at any time without process upon a determination by the city of Lacey that the action was not or is no longer necessary to protect human health or the environment. (Ord. 1505 §18, 2017; Ord. 912 §1 Sec. 8.1, 1991).

14.28.560 Enforcement.

A. The city of Lacey shall have authority to enforce this chapter, any rule or regulation adopted, and any permit or order issued pursuant to this chapter, against any violation or threatened violation thereof. The city of Lacey is authorized to issue violation notices and administrative orders, levy fines, and/or institute legal actions in court. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this chapter, or any rule or regulation adopted, or any permit, permit condition, or order issued pursuant to this chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.

B. Enforcement actions shall include civil penalties, administrative orders and actions for damages and restoration.

1. The city of Lacey may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of a regulated wetland or their buffers which are inconsistent with this chapter or an applicable wetlands protection program.

2. The city of Lacey may serve upon a person a cease and desist order if an activity being undertaken on regulated wetlands or its buffer is in violation of the act, these rules or a local wetlands protection program. Whenever any person violates this chapter or any permit issued to implement this chapter, the

city of Lacey may issue an order reasonably appropriate to cease such violation and to mitigate any environmental damage resulting therefrom.

a. *Content of order.* The order shall set forth and contain:

(1) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(2) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.

(3) *Effective date.* The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(4) *Compliance.* Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

3. Any person who undertakes any activity within a regulated wetland or its buffer without first obtaining an approval required by this chapter, or any person who violates one or more conditions of any approval required by this chapter or of any order issued pursuant to subsection (B)(2) of this section shall incur a penalty allowed per violation. In the case of a continuing violation, each violation and each day of activity without a required approval shall be a separate and distinct violation. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the environmental impact of the violation. The penalty provided in this subsection shall be appealable to the superior court within the subject jurisdiction.

4. *Aiding or Abetting.* Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the penalty.

5. *Notice of Penalty.* Civil penalties imposed under this section shall be imposed by a notice to the person incurring the same from the city of Lacey. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

6. *Application for Remission or Mitigation.* Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the city of Lacey for remission or mitigation of such penalty. Upon receipt of the application, the city of Lacey by action of the city hearings examiner under the provision of the Chapter 2.30 LMC may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

7. Orders and penalties issued pursuant to this subsection may be appealed as provided for in LMC 14.28.520.

8. Criminal penalties shall be imposed on any person who willfully or negligently violates this chapter or who knowingly makes a false statement, representation, or certification in any application, record or other document filed or required to be maintained under this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, record or methodology required to be maintained pursuant to this chapter or pursuant to a wetland permit. (Ord. 912 §1 Sec. 8.2, 1991).

14.28.570 Non-conforming activities.

A regulated activity that was approved prior to the passage of this chapter and to which significant economic resources have been committed pursuant to such approval but which is not in conformity with the provisions of this chapter may be continued subject to the following:

A. No such activity shall be expanded, changed, enlarged or altered in any way that increases the extent of its non-conformity without a permit issued pursuant to the provisions of this chapter;

B. Except for cases of discontinuance as part of normal agricultural practices, if a non-conforming activity is discontinued for twelve consecutive months, any resumption of the activity shall conform to this chapter;

C. If a non-conforming use or activity is destroyed by human activities or an act of God, it shall not be resumed except in conformity with the provisions of this chapter;

D. Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as non-conforming activities. (Ord. 912 §1 Sec. 9, 1991).

14.28.580 Repealed.

Repealed by Ord. 1192. (Ord. 912 §§1, 10, 1991).

14.28.590 Amendments.

These regulations and the city of Lacey zoning map may from time to time be amended in accordance with the procedures and requirements in the general statutes and as new information concerning wetland location, soils, hydrology, flooding, or wetland plants and wildlife become available. (Ord. 912 §1 Sec. 11, 1991).

14.28.600 Severability.

If any clause, sentence, paragraph, section or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable. (Ord. 912 §1 Sec. 12, 1991).

14.28.610 Assessment relief.

The assessors of the city of Lacey shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a perpetual conservation restriction with the city of Lacey or a nonprofit organization to permanently control some or all regulated activities in the wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessments on the controlled wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains. (Ord. 912 §1 Sec. 13, 1991).

The Lacey Municipal Code is current through Ordinance 1567, passed May 14, 2020.

Disclaimer: The city clerk's office has the official version of the Lacey Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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Chapter 16.19
SHORELINE ZONING

Sections:

16.19.010 Intent
16.19.015 Application
16.19.020 Permitted Uses
16.19.030 Prohibited Uses
16.19.035 Residential Density for Shoreline Designations
16.19.040 Residential Form Permitted
16.19.050 Conformance with Shoreline Master Program Requirements

16.19.010 Intent.

It is the intent of this chapter to:

A. Enhance the residential quality of the city by providing a high standard of development for residential area within shoreline jurisdiction;

B. Provide a zone based upon the local Shoreline Master Program wherein the designations and related development standards are applied to property under the jurisdiction of such program.

C. Provide the integration of local GMA documents and plans with shoreline management under the local Shoreline Master Program. (Ord. 1381 §1, 2012; Ord. 1375 §15, 2011).

16.19.015 Application.

A. This zone is intended to cover the shoreline water body and its 200 foot jurisdiction landward of the ordinary high water mark, and associated wetlands as provided in Subsection C of this section. The designation shown on the map is considered approximate, as the exact location of the ordinary high water mark requires identification at the site.

B. The zone shall be delineated on the zoning map by a distinctive color with hatch patterns or other method to identify the particular Shoreline Master Program designation.

C. Areas under shoreline jurisdiction classified as associated wetlands that lay greater than 200 feet landward from the ordinary high water mark, have been designated as Open Space Institutional (OSI) for sensitive area protection purposes. The Shoreline Zone shall have a hatch pattern over the OSI designation to integrate the

two. In this designation, standards of the Open Space Institutional zone shall supplement the requirements of the Shoreline Master Program for environmental protection.

D. All applicable requirements of the Shoreline Master Program shall apply to the use or activities taking place within this zone. (Ord. 1381 §2, 2012; Ord. 1375 §15, 2011).

16.19.020 Permitted Uses.

A. Consistent with Shoreline Designation:

Only those uses/activity/development as identified in Table 3 of the Shoreline Master Program shall be permitted according to the specific shoreline designation.

B. Consistent with Functions and Values:

An activity, use, or development must be compatible with the physical characteristics and identified functions and values of the subject reach in which it is proposed and shall be designed and located accordingly. (Ord. 1381 §3, 2012; Ord. 1375 §15, 2011).

16.19.030 Prohibited Uses.

A. Shoreline Master Program Table 3:

Uses other than those identified in Table 3 of the Shoreline Master Program or permitted by conditional use permit are prohibited.

B. Residential Development Over Water:

Residential development designed for occupancy is prohibited over water. (Ord. 1381 §4, 2012; Ord. 1375 §15, 2011).

16.19.035 Residential Density for Shoreline Designations.

A. Shoreline Master Program Table 4:

The overall density permitted for a parcel shall be no greater than that density identified for the specific shoreline environmental designation in Table 4 of Lacey's Shoreline Master Program, in addition to potential density credit that may be transferred to parcels outside shoreline jurisdiction as provided in Chapter 16.58 LMC.

B. Incentive Density Bonus:

Density credit for property within the Shoreline Residential, Urban Conservancy and Natural designations may include a density bonus increase to exceed the underlying density cap pursuant to adoption of an incentive dedication development agreement as provided in Chapter 16.58 LMC. (Ord. 1381 §5, 2012; Ord. 1375 §15, 2011).

16.19.040 Residential Form Permitted.

A. Land Form Generally:

Within the 200-foot shoreline jurisdiction, the form of urban residential development shall be designed to be compatible with the shoreline environment. The Shoreline Master Program, Chapter 17.63017.26, Residential Development LMC provides residential requirementsstandards for said development within the Shoreline Zone.

Commented [AC1]: Table 5-1 #5

B. Innovative Concepts Encouraged:

Concepts that use unique or innovative designs to achieve the goals of Lacey's Shoreline Master Program are encouraged and will be allowed flexibility in meeting design standards to achieve this objective.

C. Housing Forms:

A range of housing options will be permitted for projects that are compatible with shoreline resources, meet GMA goals and provide a quality residential environment. To achieve urban density and environmental compatibility, this may include attached and compact housing forms and clustering concepts.

D. Compact Housing and Clustered Housing Forms Encouraged:

Compact housing forms that consolidate large areas of open space by reducing individual lot size and clustering units is encouraged. This provides the opportunity for a design that can achieve a higher level of compatibility with the shoreline environment and provide open space concepts for public and private use.

E. Clustering Housing Forms Encouraged:

Clustering of residential units may use an attached development concept or a compact detached form of housing. Housing forms that utilize compact low impact design to achieve the goals of Lacey's Shoreline Master Program for integration, compatibility with natural shoreline processes and environmental sensitivity are preferred. This can include condominium, townhome, courtyard, cottage designs and other innovative housing forms that accomplish the same objectives.

F. Design with Nature:

Design shall incorporate natural physical topographic profiles to work with the site's natural components, without impact to functions and values identified in the inventory, analysis and classification of the subject reach.

G. Least Impact:

For projects that include more than one residential unit, or a land division of property, design with least impact to the environment may require a clustering concept to minimize site disturbance and impervious area. This will include common facilities that provide use of shoreline resources for residents and also minimize impact and physical alteration of shoreline area. (Ord. 1381 §6, 2012; Ord. 1375 §15, 2011).

16.19.050 Conformance with Shoreline Master Program Requirements.

All requirements of Chapter 17.25~~17.63~~ LMC Residential Development of the SMP (Ord XX, XX/XX/XX) shall be satisfied. (Ord. 1375 §15, 2011).

Commented [AC2]: Table 5-1 #5

The Lacey Municipal Code is current through Ordinance 1563, passed January 16, 2020.

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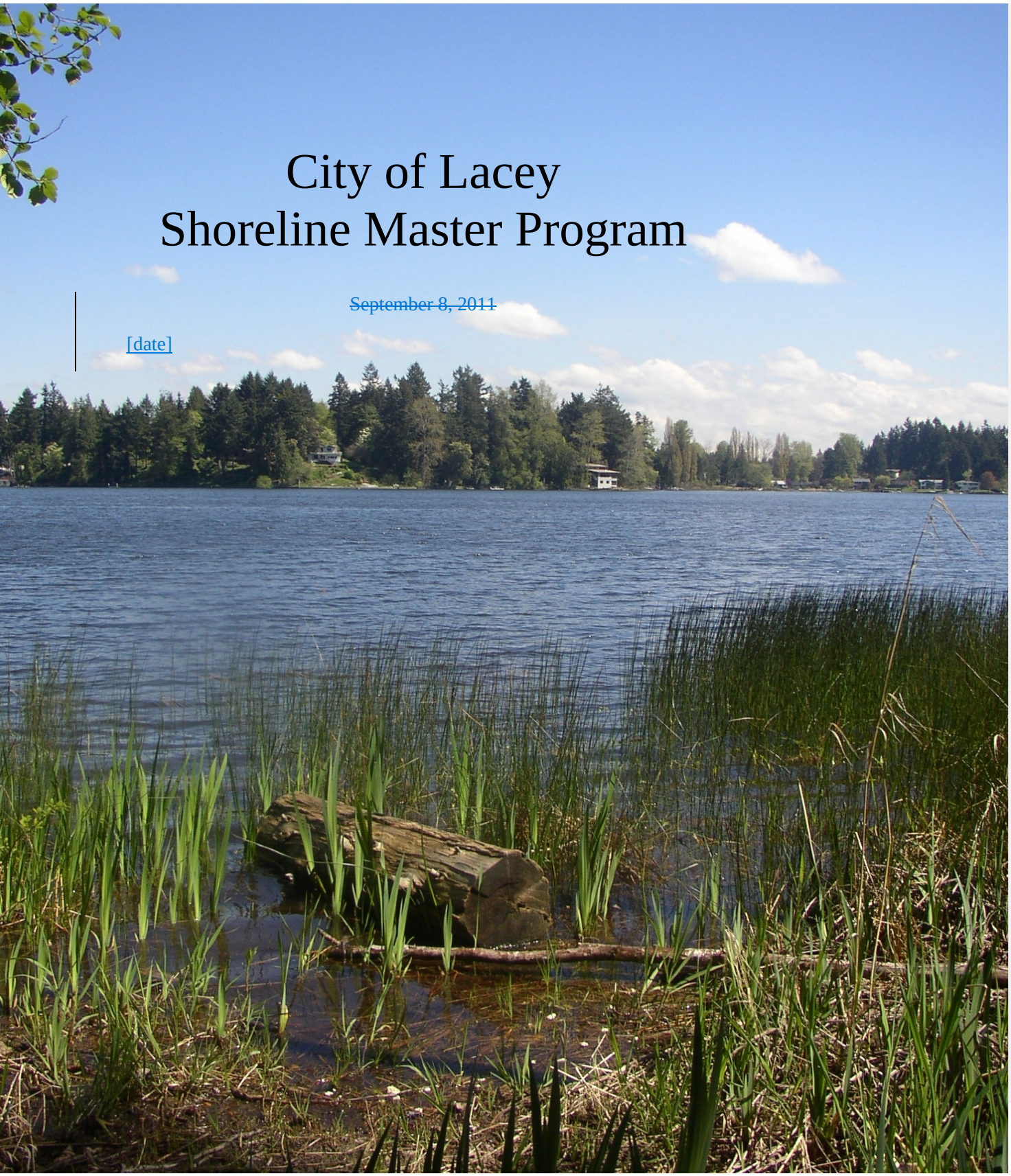


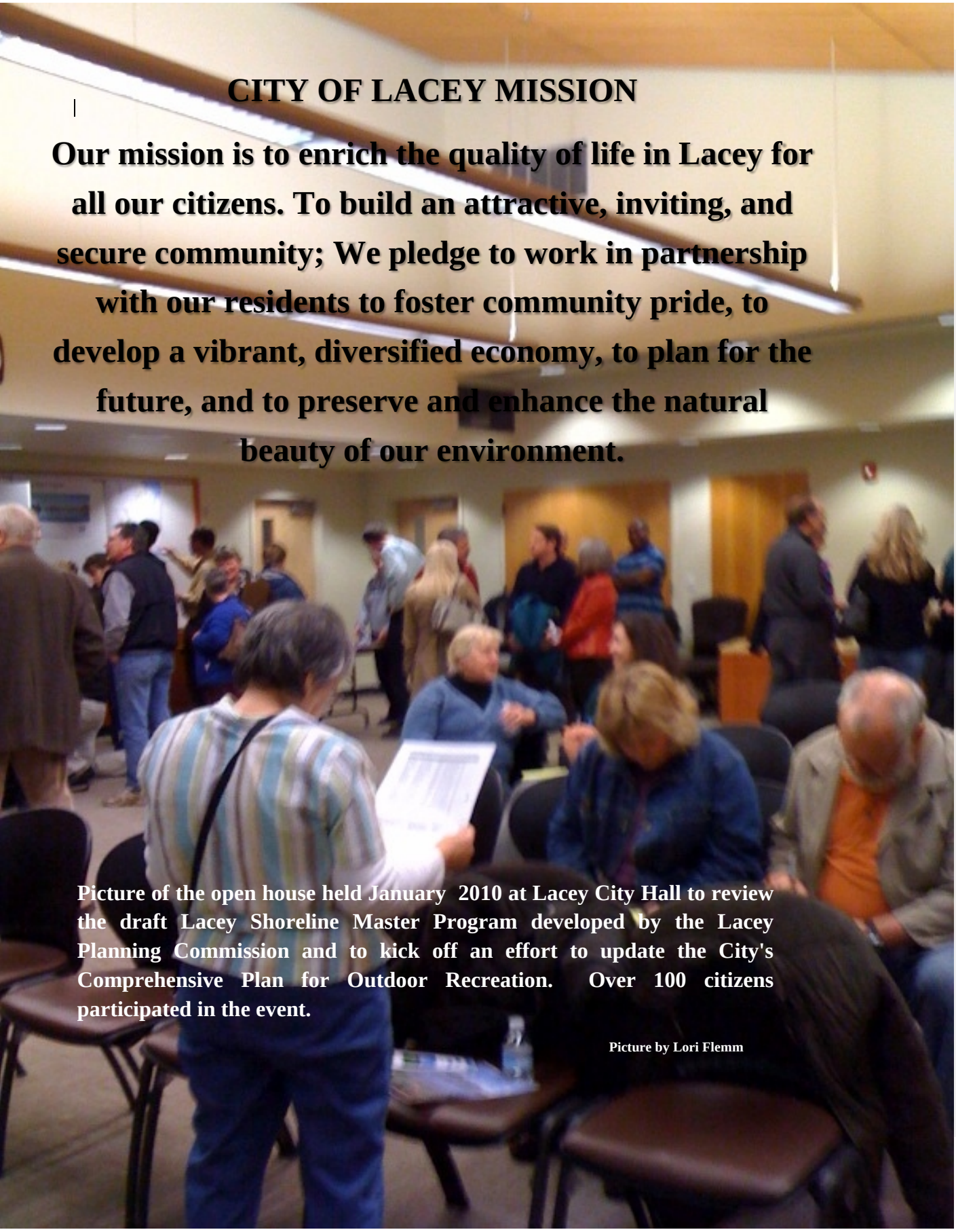
City of Lacey
Shoreline Master Program

~~September 8, 2011~~

[date]

CITY OF LACEY MISSION

Our mission is to enrich the quality of life in Lacey for all our citizens. To build an attractive, inviting, and secure community; We pledge to work in partnership with our residents to foster community pride, to develop a vibrant, diversified economy, to plan for the future, and to preserve and enhance the natural beauty of our environment.



Picture of the open house held January 2010 at Lacey City Hall to review the draft Lacey Shoreline Master Program developed by the Lacey Planning Commission and to kick off an effort to update the City's Comprehensive Plan for Outdoor Recreation. Over 100 citizens participated in the event.

Picture by Lori Flemm

LACEY CITY COUNCIL

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LACEY CITY MANAGER

Scott Spence

LACEY COMMUNITY DEVELOPMENT DEPARTMENT

Rick Walk, AICP, Community Development Director
David R. Burns, AICP, Principal Planner, lead staff on update
Ryan Andrews, Associate Planner
Sarah Schelling, Associate Planner
Samra Seymour, Associate Planner
Jolene Hempel, Permit Technician
Leah Bender, Permit Technician

Acknowledgments

The City of Lacey would like to acknowledge the many public and private agencies that have developed information on the shorelines of Lacey that was used in this update.

The first part of this update was prepared with Grant Funding from the Washington State Department of Ecology SMA Grant Agreement No. G0800096.

Many thanks to the Thurston Regional Planning staff that worked to secure and administer the grant from the Department of Ecology and who also crafted the framework and prepared a generic document that has served as the starting point for Lacey's update. Thurston Regional planning staff that worked on the first draft includes:

Steve Morrison, Senior Planner and Project Manager
Veena Tabbutt, Senior Planner
Andrew Deffobis, Assistant Planner
Sarah Morley, Administrative Assistant
Toni Tringolo, Office Specialist II

Many thanks to the Advanced Planners from the Cities of Olympia, Tumwater and Thurston County who participated in many work-sessions to provide technical input and direction on development of the first draft prepared by Regional Planning:

Tim Smith, Senior Planner for Tumwater
Jan Weydemeyer, Senior Planner for Olympia
Cindy Wilson, Senior Planner for Thurston County
Molly Levitt, Associate Planner Thurston County

Many thanks to the State Department of Ecology staff, particularly Chrissy Bailey who was the Department's assigned liaison and who spent many evenings with the Lacey Planning Commission and many hours with staff working through technical issues and helping develop language for the final document.

Photographs taken by David R. Burns, AICP, Principal Planner, unless noted otherwise.

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Commented [DN2R1]: To discuss with City. Kim has a good point. The way this is set up, it is not clear that these general sections apply universally. Leave for discussion with City

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~~PART ONE~~

~~GENERAL PROVISIONS, FRAMEWORK, DEFINITIONS, JURISDICTION AND ENVIRONMENTAL DESIGNATIONS, TABLES FOR USE, STANDARDS AND MODIFICATIONS, NONCONFORMING USES, PERMITS, RELATIONSHIP TO OTHER LAND USE REGULATIONS~~

Commented [AC6]: Table 5-1 #9

View of wetland system south of Hicks Lake. This wetland was dedicated to the City of Lacey by Boston Harbor Land Company when the Southlake plat was developed. The dedication puts the wetland and its associated 200 foot buffer under City ownership for long term preservation. The dedication also provided the opportunity to establish a section of trail around the outside of the wetland buffer for limited public access to this resource.

Article 1. General Provisions, Definitions, jurisdiction and environmental designations

Commented [AC7]: Table 5-1 #9

17.10 General Provisions

1. All development and use of shorelines of the state shall be carried out in a manner that is consistent with this SMP and the policy of the Act as required by RCW 90.58.140(1), whether or not a shoreline permit or statement of exemption is required.

2. No use, land or water alteration, or development shall be undertaken within jurisdiction of the Shoreline Management Act by any person without first obtaining a permit, except the Administrator may issue a letter of exemption from a substantial development permit under Section 17.30.030.

3. Permit processes and fees related to implementation of this Shoreline Master Program (SMP) are contained within the City's Development Guidelines and Public Works Standards (DGPWS). The processes outlined in the City DGPWS follow the requirements of state law and provide a local process for implementation of Lacey's Shoreline Master Program.

17.10.005 Authority

Authority for enactment and administration of this Shoreline Master Program (SMP) is the Shoreline Management Act of 1971, Chapter 90.58, Revised Code of Washington (RCW), also referred to herein as the "SMA". All SMPs must satisfy the requirements of Chapter 173-26, Washington Administrative Code (WAC), State master program approval/amendment procedures and master program guidelines, and Chapter 173-27 WAC, Shoreline permitting and enforcement procedures.

17.10.010 Title

This document shall be known and may be cited as the "City of Lacey Shoreline Master Program."

17.10.015 Short Title

This document may be referred to herein as the "SMP," or the "master program."

17.10.017 Intent and Framework

1. Three pillars provide the framework:

The state Shoreline Management Act was adopted by the voters in 1972. It demonstrated a broad public support for the wise management of the state's shoreline resources. There are three pillars of the Act that provide the fundamental concepts implemented in this Shoreline Master Program (SMP). These are:

A. Protection of environmental functions and values of our shoreline resources;

B. Prioritizing the use of shorelines dependent upon the need to be located on shorelines (water ~~dependant~~dependent use);

C. Public access and public use and enjoyment of shoreline resources.

2. Fundamental Goals of the Shoreline Management Act:

The Shoreline Act's policy of protecting ecological functions, fostering reasonable use and maintaining the public's right of navigation, access and corollary uses encompasses the following general goals:

A. Goal: The use of shorelines for economically productive uses that are particularly ~~dependant~~dependent on shoreline location or use (RCW 90.58.020);

B. Goal: The use of shorelines and waters they encompass for public access and recreation (RCW 90.58.020);

C. Goal: Protection and restoration of the ecological functions of shoreline natural resources (RCW 90.58.020);

D. Goal: Protection of the public right of navigation and corollary uses of waters of the state (RCW 58.020);

E. Goal: The protection and restoration of buildings and sites having historic, cultural and educational value (RVW 90.58.100);

F. Goal: Planning for public facilities and utilities correlated with other shoreline uses (RCW 90.58.100);

G. Goal: Prevention and minimization of flood damage (RCW 90.58.100);

H. Goal: Recognizing and protecting private property rights (RCW 90.58.020);

I. Goal: Preferential accommodation of single family uses (RCW 90.58.020);

J. Goal: Coordination of shoreline management with other relevant, local, state and federal programs (RCW 90.58.020).

3. Shorelines of Statewide Significance and Fundamental Policies:

A. Shorelines of Statewide Significance: The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the Act's policy.

B. Preference for Use: In accordance with RCW 90.58.020 Shorelines of the State which are defined as Shorelines of Statewide Significance shall be given preference to uses, in the following order of priority:

1) Recognize and protect the state-wide interest over local interest;

2) Preserve the natural character of the shoreline;

3) Result in long-term over short-term benefit;

4) Protect the resources and ecology of the shoreline;

5) Increase public access to publicly-owned areas of the shorelines;

6) Increase recreational opportunities for the public on the shoreline;

7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4. Summary of Fundamental Goals and Policies for Lacey's Shoreline Master Program:

These goals and policies provide the framework for development of Lacey's Shoreline Program and compliance with state requirements.

A. Goal: Provide an opportunity for public participation in the update of the Shoreline Master Program to help identify key issues for Lacey, develop a program meeting state and local objectives and achieve community support for the wise management, protection, restoration and use of Lacey's shoreline resources.

1) Policy: Ensure the public has opportunity to provide early, continuous and meaningful input into development of Lacey's shoreline program and periodic updates and amendments.

2) Policy: Look for and utilize a full range of -approaches for educating and informing the public about shoreline management concepts that promote healthy shorelines, water quality, more productive habitat and other public interests.

B. Goal: Identify functions and values specific to Lacey's shoreline resources to develop a program tailored to Lacey's needs that will provide protection, restoration and utilization of these resources.

1) Policy: Identify and designate each distinct shoreline reach with a classification based upon its function, values and public benefit.

2) Policy: Use the shoreline inventory to achieve the best utilization and management of Lacey's shoreline resources:

3) Policy: Base land use decisions on the shoreline designation and what is necessary to maintain shoreline functions and values and provide priority shoreline use to the public.

4) Policy: Designate and preserve those shorelines of this region which are notable for their aesthetic, scenic, historic or ecological qualities.

5) Policy: Preserve large, intact ecological systems such as floodplains, wetlands or tidelands.

6) Policy: Designate an adequate supply of land for future water-dependent or water-related uses.

C. Goal: Develop a Shoreline Master Program that will achieve:

1) Integration with the state Growth Management Act (GMA) to provide a long range community vision for the wise management and use of Lacey's shoreline resources over the long term;

2) Provide development standards designed to regulate and protect areas within shoreline jurisdiction as Lacey faces urbanization under GMA;

3) No net loss of ecological functions and restoration of impacted areas to protect and improve the public's long term interest in shoreline resources.

a) Policy: To provide consistent treatment of critical areas in shoreline jurisdiction, reference and apply critical area ordinance standards as part of the SMP.

b) Policy: Provide opportunities for land use form that will achieve GMA goals for urbanization, while providing superior opportunities for protection of shoreline processes and public access opportunities.

c) Policy: Design, locate and construct residential development in a manner that will:
i. Maintain existing public access to the publicly-owned shorelines,
ii. Not interfere with the public use of water areas fronting such shorelines, and
iii. Not adversely affect aquatic habitat.

d) Policy: Adopt a full range of development standards and incentive opportunities to protect and achieve no net loss of existing shoreline ecological functions and processes.

D. Goal: Achieve public access opportunities necessary to serve the needs of the Lacey community.

1) Policy: Develop a public access plan that will use a full range of strategies and incentive program(s) approved by the Lacey Council to gain public access and acquire ownership of shoreline resources for the Lacey community.

17.10.020 References to Plans, Regulations or Information Sources

1. Where this Program makes reference to any RCW, or WAC, as amended and the current edition of other state, or federal regulations, shall apply.

2. Local Lacey plans and codes being referenced in this Shoreline Master Program include the following:

A. Title 14 of the Lacey Municipal Code (LMC): The Lacey Title on Buildings and Construction that includes Lacey's critical area ordinances and design review chapters, specific sections referenced include:
1. LMC Chapter 14.04, International Building and International Residential Code;
2. LMC Chapter 14.23, Design Review;

3. LMC Chapter 14.24, Environmental Policy;
4. LMC Chapter 14.28, Wetlands Protection* (Ordinance ~~1295~~XX, ~~10~~xx/xx~~25~~/xx~~07~~);
5. LMC Chapter 14.29~~14.31~~, ~~Zero Effect Drainage Discharge~~Stormwater Management ~~(Ordinance 1525, 12/21/17)~~;
6. LMC Chapter 14.32, Tree and Vegetation Protection and Preservation* (Ordinance ~~1269~~1539, ~~07/27/06~~01/17/19);
7. LMC Chapter 14.33, Habitat Conservation Area Protection~~* (Ordinance 1215, 11/06/03)~~;
8. LMC Chapter 14.34, Flood Hazard Prevention ~~* (Ordinance 1265, 06/08/06);~~
9. LMC Chapter 14.37, Geologically Sensitive Area Protections* (Ordinance ~~1208~~1505, ~~08/18/03~~03/09/17);

Commented [AC8]: Per Ecology comment. This does not need to be adopted by reference.

Commented [AC9]: Table 3-1 #1

B. Title 15 of the LMC: The Lacey Land Division Ordinance;

C. Title 16 of the LMC: The Lacey Zoning Code;

D. Development Guidelines and Public Works Standards (DGPWS)*;

E. The Lacey Comprehensive Land Use Plan developed under the State Growth Management Act (GMA) and all of its elements. Elements specifically referenced include:
   1. City of Lacey and Thurston County Land Use Plan for the Urban Growth Area;
   2. City of Lacey Housing Element
   3. Environmental Protection and Resource Conservation Plan and its Urban Forest Management Plan;
   4. Lacey Comprehensive Plan for Outdoor Recreation;
   5. City of Lacey 2030 Transportation Plan;
   6. City of Lacey Public Access Plan

F. Other supporting documents
   1. ~~Appendix 2~~ Vegetation/Landscaping Examples and Guidelines
   2. ~~Appendix 3~~ Shoreline Environmental Designations
   3. ~~Appendix 4~~ Portions of the original Inventory and Characterization Report and Environmental Designations that apply to Lacey. ~~For informational purposes the full report is provided in CD format in the slipcover of this appendix.~~
   4. ~~Appendix 5~~ Cumulative Impacts Report
   ~~Appendix 6 Shoreline Environmental Designations~~
   5. ~~Appendix 7~~ Referenced City of Lacey Ordinances Used in this Document

NOTES REGARDING REFERENCED DOCUMENTS:

Lacey Municipal Codes designated with * are adopted by reference, as of the dated ordinance, into the Shoreline Master Program, subject to the exceptions noted in 17.35.020. Inclusion of future amendments to these codes into the SMP requires an amendment of the SMP and approval by Ecology.~~* denotes a reference considered by the Department of Ecology to be mandatory fulfilling an identified requirement of local SMPs and required to be identified by date of adoption and adopted version and attached as an appendix to the SMP.~~

~~References **not** identified by an * are considered "loose" reference by the Department of Ecology and are not required to be adopted in an appendix.~~

Portions of the LMC referenced as a requirement of the SMP and designated with an * will be the version in effect at the time of adoption of the Shoreline Master Program and will not include amendments made to those Plans or sections of the LMC after the date of adoption.

Pursuant to a determination made by the Department of Ecology, lLater amendments to ordinances designated with an * will not be considered applicable to and will not change content of the Shoreline Master Program and therefore will not require amendment of the Shoreline Master Program. If the City wants to update the Shoreline Master Program tTo include such amendments in those areas under Shoreline Jurisdiction, Lacey may file for amendment of the Shoreline Master Program to include the amendments. Otherwise, the Shoreline Master Program will continue to use the version of the * referenced document in effect at the time the Shoreline Master Program was adopted, as shown in the applicable appendix.

Pursuant to a determination made by the Department of Ecology tThose ordinances "loosely" referenced will apply to shoreline areas when updated, but will not require amendment of the SMP.

Commented [AC10]: Per Ecology Comment

17.10.025 Liberal Construction

As provided for in RCW 90.58.900, the SMA is exempted from the rule of strict construction; the SMA and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and this Program were enacted and adopted, respectively.

17.10.030 Severability

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

The SMA and this SMP adopted pursuant thereto comprise the basic state and City regulations for the use of shorelines in the City. In the event provisions of this SMP conflict with other applicable City policies or regulations, the more restrictive shall prevail. Should any section or provision of this SMP be declared invalid, such decision shall not affect the validity of this SMP as a whole.

17.10.035 Amendments

Amendments to this SMP including changes to the mapped shoreline environment designations shall be processed per WAC 173-26.

17.10.040 Effective Date

This SMP and all amendments thereto shall become effective ~~immediately upon~~ 14 days from ~~final approval and adoption~~ written notice of final action by the Washington State Department of Ecology (Department).

Commented [LW11]: Table 2-1, 2010a

17.15 Definitions

17.15.005 Shoreline Definitions - General

The terms used throughout this Program shall be defined and interpreted as indicated below. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular.

17.15.011 Act or SMA. The Shoreline Management Act of 1971 (Chapter 90.58 RCW, as amended).

17.15.012 Accessory Building, Structure or Use. A building, structure, part of a building or structure, or use which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same lot.

17.15.013 Administrator. That person as appointed by the City to administer the provisions of these regulations within the boundaries of the City of Lacey.

17.15.014 Adoption By Rule. An official action by the Washington Department of Ecology to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, Chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

17.15.015 Agricultural Activities. Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. This definition of agricultural activities excludes "urban agriculture" as defined in LMC 16.06.747 and as outlined in City of Lacey Ordinance Number 1368, dated June 9, 2011.

17.15.016 Amendment. A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

17.15.017 Applicable Master Program. The master program approved or adopted by the Department pursuant to RCW 90.58.090(6) or 90.58.190(4) prior to acceptance of a complete application by local government.

17.15.018 Approval. An official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to WAC 173-26; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

17.15.019 Aquacultural Practices. Include the hatching, cultivating, planting, feeding, raising, harvesting and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings and growing areas. Methods of aquaculture include but are not limited to fish hatcheries, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purposes of this SMP, this term does not

include associated peripheral activities such as staging areas, warehousing, processing, or packaging of products. These peripheral activities shall take place out of shoreline jurisdiction in appropriate commercial or light industrial zoning designation designed for these types of activities. Per WAC 173-26-020(6), Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

Commented [AC12]: Per Ecology Comment

17.15.020 Average Grade Level. 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: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

17.15.021 Backshore Marina. Refer to "Marina, Backshore".

17.15.022 Beach. The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins, or where the topography abruptly changes.

17.15.023 Beach Enhancement. The alteration of terrestrial and tidal shorelines along with submerged shorelines for the purpose of stabilization, recreational enhancement or aquatic habitat creation, or restoration using native or similar material.

17.15.024 Beach Feeding. The introduction of sand or gravel to beaches to enhance recreation, wildlife or to preserve natural physical character of the shoreline.

17.15.025 Bedlands. Those submerged lands below the line of extreme low tide in marine waters and below the line of navigability of navigable lakes and rivers.

17.15.026 Berm. One or several linear deposits of sand and gravel generally paralleling the shore at or landward of OHWM; berms are naturally stable because of material size or vegetation.

17.15.027 Bioengineering. The practice of using natural vegetative materials (and often structural components) to stabilize shorelines and prevent erosion.

17.15.028 Boardwalk. A structure made of planks parallel to the waterfront or beach for non-motorized public access. A promenade with construction similar to a dock.

17.15.029 Boathouse. A structure designed for storage of vessels located over water or in upland areas.

17.15.030 Boat Ramp. See "Launch ramp".

17.15.031 Boating Facilities. Marinas located both landward and waterward of the OHWM (dry storage and wet-moorage types); launch ramps; covered moorage; and marine travel lifts.

17.15.032 Bog. A unique type of wetland dominated by mosses at the surface and that form peat soils. Bogs form in areas where the climate allows the accumulation of peat to exceed its decomposition. The water regime in bogs is dominated by precipitation rather than surface inflow. The plant community is specialized to survive in the nutrient-poor and highly acidic conditions typical of bog systems.

17.15.034 Breakwater. Protective structure usually built off-shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. A breakwater may be fixed (e.g., a rubble mound or rigid wall), open-pile or floating.

17.15.035 Buffer. An area measured landward perpendicularly from the ordinary high water mark, or associated critical area, that is intended to reduce the adverse impacts of adjacent land uses on shoreline or critical area ecological functions and provide important habitat for wildlife. For the purposes of this Shoreline Master Program, the term buffer is often used in association with the term setback, as setbacks often have the same purpose and function as a buffer. One distinction between the two terms, is buffers generally restrict a range of activity and use in a designated area, while setbacks generally only apply to location of a structure within a designated area; see also definition of setback, 17.15.222.

17.15.036 Building. Any structure designed for or used for the support, shelter or enclosure of persons, animals or personal property, and which is used in a fixed location on land, shorelands or tidelands.

17.15.037 Bulkhead. Either public or private wall usually constructed parallel to the shore. Their primary purpose is to contain and prevent the loss of soil caused by erosion or wave action. A bulkhead may also be termed as a "seawall" for more massive public works structures along the open coast. Under the jurisdiction of this SMP, bulkheads may only be utilized if other more naturalized approaches are determined to not be practical to accomplish the objectives. If utilized, bulkheads will be located landward of the OHWM. Because of the function bulkheads are designed for, bulkheads are not subject to the same setbacks as other structures.

17.15.040 Certified Local Government. Those Local governments that establish a historic preservation program meeting federal and state standards are eligible to apply to the State Historic Preservation Officer (SHPO) and the National Park Service for certification.

17.15.041 Channelization. The straightening, deepening or lining of stream channels, and/or prevention of natural meander progression of stream ways, through artificial means such as relocation of channels, dredging, and/or placement of continuous levees or bank revetments along significant portions of the stream. Dredging of sediment or debris alone is excluded from this definition.

17.15.042 Clearing. The direct and indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed lot, public lands or public right-of-way. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the trees appearance and/or functionality, such as topping.

17.15.043 Cluster Development. A residential development which reserves substantial portions of land as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing dwelling units to be placed on lots smaller than the legal minimum site for regular subdivisions, as long as the density does not exceed prescribed standards.

17.15.044 Commercial Development. Those uses involved in wholesale, retail, service and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices and private or public indoor recreation facilities. For purposes of this SMP, this definition does not include Home Occupations as defined and described in LMC 16.69.

17.15.045 Comprehensive Land Use Plan, Lacey. Means the Comprehensive Land Use Plan for Lacey and the Lacey urban growth area, including its many elements, as adopted under the State Growth Management Act, and as amended from time to time.

17.15.046 Conditional Use. A use, development, or substantial development which is classified as a conditional use or is not classified within this Master Program.

17.15.047 Covered Moorage. A roofed structure for the wet or dry storage of one or more boats. Boathouses are a type of covered moorage.

17.15.048 Critical Areas. Those areas with especially fragile biophysical characteristics and/or with significant environmental resources as identified in a scientifically documented inventory. RCW 36.70A.030 defines "critical areas" as: wetlands; areas with a critical recharging effect on aquifers used for potable waters; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas. In addition to standards within this SMP, critical areas are protected under ordinances Lacey has adopted in Chapter 14 of the Lacey Municipal Code (LMC). These ordinances are adopted by reference as part of the SMP. The ordinance referenced is the version in effect in shoreline jurisdiction ~~on the day of adoption of the SMP and shown in the applicable appendix attached to this SMP~~.

Commented [AC13]: Table 5-1 #8

17.15.049 Critical Freshwater Habitats. River and stream corridors from the headwaters to the mouth and including the channel, associated channel migration zone, wetlands and the floodplain to the extent such areas fall in shoreline jurisdiction, including hydrologic connections between water bodies, water courses, lake basins and associated wetlands.

17.15.050 Critical Salt Water Habitats. All kelp beds; eelgrass beds; spawning and holding areas for forage fish such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats; intertidal habitats with vascular plants; and areas with which priority species have a primary association.

A. Kelp beds are found in marine and estuarine intertidal and subtidal areas with a depth of up to 15 meters below mean lower low water (MLLW). The beds can be found on various bottom materials.

B. Eelgrass beds are found in marine and estuarine intertidal and subtidal areas.

C. Surf smelt spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) in salt water.

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

E. Pacific sand lance spawning beds are located in the upper portions of sand or gravel beaches (intertidal areas) in salt water.

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

G. Rockfish settlement and nursery areas are located in kelp beds, in eelgrass beds, on other types of salt water vegetation and on other bed materials.

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

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

J. Salmon and steelhead habitats include gravel bottomed streams, creeks and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes and wetlands used for rearing,

feeding and cover and refuge from predators and high water; streams, creeks, rivers, estuaries and shallow areas of salt water bodies used as migration corridors; and salt water bodies used for rearing, feeding and refuge from predators and currents.

17.15.055 Density. A ratio expressing the number of dwelling units which may be established on a specific land area. In Lacey's zoning code this is expressed as dwelling units per gross acre. Density calculation is based on the entire project area above the ordinary high water mark (i.e., Dry Land Area) minus any wetland area.

17.15.056 Department. The Washington State Department of Ecology.

17.15.057 Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development.

Commented [DN14]: Gap Analysis Table 2-1 2017b

17.15.058 Development Regulations. The controls placed on development or land uses by the City of Lacey, including, but not limited to, the zoning ordinances, critical areas ordinances, all portions of the Shoreline Master Program other than goals and policies approved or adopted under Chapter 90.58 RCW, the land division ordinances, the Development Guidelines and Public Works Standards, development standards contained in the Stormwater Manual, together with any amendments thereto.

17.15.059 Dike. An embankment to prevent flooding by a stream or other water body, often referred to as a levee.

17.15.060 Director. The Director of the Department of Ecology.

17.15.061 Dock. Refer to "Pier".

17.15.062 Document of Record. The most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

17.15.064 Dredging. The removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, river, lake or marine water body and associated shorelines and wetlands.

17.15.065 Drift Cell, Drift Sector, or Littoral Cell. A particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

17.15.066 Drilling. The process of cutting a hole into the earth for the purpose of obtaining natural resources.

17.15.067 Dry Land. All areas above the elevation of the Ordinary High-Water Mark (OHWM).

17.15.068 Dwelling. A building or portion thereof, designed or used for residential occupancy. The term dwelling shall not be construed to mean a motel, rooming house, hospital or other accommodation used for more or less transient occupancy.

17.15.070 Ecological Functions or Shoreline Functions. The work performed or 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.

17.15.071 Ecosystem-Wide Processes. 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.

17.15.072 Education. Any use or development undertaken for the support of public or private research or education.

17.15.073 Emergency. An unanticipated and imminent threat to public health, safety or the environment which requires immediate action with a time too short to allow full compliance with 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 administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed and any permits which would have been required by this SMP or the SMA, absent an emergency, must be obtained. Generally, flooding or other seasonal events that can be anticipated and may occur but are not imminent is not an emergency.

17.15.074 Environment. See "Shoreline Environment Designations".

17.15.075 Exempt. Developments set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

17.15.076 Extreme High Tide. The highest tide level line water will reach in any one year.

17.15.077 Extreme Low Tide. The lowest line on the land reached by a receding tide.

17.15.080 Fair market value. 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.

17.15.081 Feasible. An action, such as a development project, mitigation, or preservation requirement, which meets all of the following conditions:

A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

B. The action provides a reasonable likelihood of achieving its intended purpose; and

C. The action does not physically preclude achieving the project's primary intended legal use.

D. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

E. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

17.15.082 Feeder Bluff. A reach of shoreline which contains both an eroding beach and a feeding upland as identified on the Coastal Drift maps of the Coastal Zone Atlas of Washington, Volume 8, or similar source from the Washington Department of Ecology.

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

17.15.084 Floats, Recreational. Those platform structures anchored in fresh or marine waters for water recreational purposes such as swimming, diving or water skiing to include jump ramps. They may serve as temporary moorage facilities but for the purposes of this SMP are not intended to be used as boat storage.

17.15.085 Floating Home. A single family dwelling unit constructed on a float that, is moored, anchored, or otherwise secured in water, and is not a vessel, even though it may be capable of being towed.

Commented [LW15]: Table 2-1, 2011c

17.15.08~~6~~5 Flood Plain. Synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

17.15.08~~7~~6 Flood Plain Management. A long-term local government program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works and monitoring and warning systems.

17.15.08~~8~~7 Floodway. The area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) flood insurance rate maps or floodway maps; or (ii) consists of those portions 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.

17.15.08~~9~~8 Foreshore Marina. Refer to "Marina, Foreshore".

17.15.0~~90~~89 Forestry or Forest Practices. The raising and harvesting of trees as a crop as defined by WAC 222-16, as amended. Within the City or its urban growth area all class 1, 2 or 3 forest practices shall be administered as class 4 conversions, and shall be subject to local land use regulations.

17.15.09~~1~~0 Functions and Values. When referred to in the text of the SMP, this term includes the full range of physical characteristics, processes and resources attributed to a shoreline reach if allowed to function in its natural capacity. Each reach of shoreline has identified processes and particular ecological components that make up the character of the reach and its potential as a resource with identified values. Generally, this might include such things as associated wetlands that would act as storm water storage and help water quality, habitat for a range of species that might include salmon, trout and other fish. It might also include significant natural physical processes like long shore drift and feeder bluffs that are important for the maintenance of stretches of beach that if modified could potentially change the character of an entire beach shoreline.

17.15.089~~21~~ Gabions. Cages, cylinders, or boxes filled with soil, sand, or rock that are used in civil engineering, for erosion control, dams or foundation construction. They may be used to stabilize shorelines or slopes against erosion. Other uses include retaining walls, temporary floodwalls, to filter silt from runoff, for small or temporary/permanent dams, river training, or channel lining. They may be used to direct the force of a flow of flood water around a vulnerable structure. Gabions have also been used as fish barriers on small streams.

17.15.093~~2~~ Geologically Hazardous Areas. Areas susceptible to severe erosion or slide activity, such as unstable bluffs, and including areas with high potential for earthquake activity. They may be identified in critical areas inventories or the Coastal Zone Atlas. In general, they are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety.

17.15.094~~3~~ Geotechnical Report or Geotechnical Analysis. 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 licensed engineer(s) or geologist(s) who have sufficient professional expertise about the regional and local shoreline geology and processes.

17.15.095~~4~~ Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

17.15.096~~5~~ Grandfathered Status. Is a status given to a legal nonconforming structure or use that recognizes it as an existing use and provides the use with limited rights. Limited rights include the ability to continue the use and to accomplish normal repair and maintenance activities necessary for the use to continue operation. A grandfathered use is subject to all requirements of a nonconforming use.

17.15.097~~6~~ Groin. Structure built seaward perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

17.15.098~~7~~ Guidelines or SMP Guidelines. Those standards adopted to implement the SMA policy for regulation of use of the shorelines of the state prior to adoption of master programs, and to provide criteria to local governments and Ecology for developing shoreline master programs (SMP). Chapter 173-26 WAC or as amended.

17.15.100 Hazard Tree. Any tree that is dead, dying, damaged, diseased, or structurally defective, recently exposed by adjacent clearing, or some other factor that will subject the tree to failure and the tree could reasonably reach a target, as determined by the City's tree protection professional. Pursuant to Chapter 14.32.050 B. of the Lacey Municipal Code, the City of Lacey "tree protection professional" makes the determination of what tree(s) are designated hazard tree(s).

17.15.101 Hearings Board. The State Shorelines Hearings Board established by the Act in RCW 90.58.170.

17.15.102 Height. Is measured from average grade level to the highest point of a structure. Provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such

shorelines, or the applicable master program provides otherwise. Provided further that temporary construction equipment is excluded in this calculation.

17.15.103 Historic Building or Historic Site. A building, structure, or site on the local, State or National Register of Historic Places.

17.15.104 Houseboat. A vessel, principally used as an over-water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a vessel. A registered water-going vessel where the owner lives aboard shall not be construed as a "houseboat."

17.15.106 Instream Structure. Is a structure that is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or diversion, obstruction or modification of water flow.

17.15.110 Impervious Surface. Those surfaces that either prevent or obstruct the downward passage of water.

17.15.111 Industrial Developments. Facilities for processing, manufacturing and storage of finished or semi-finished goods.

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

17.15.116 Junk. Old iron, steel, brass, cooper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass, bones; wastepaper, plastic and other waste or discarded material which might be prepared to be used again in some form; any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; however, "junk" shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.

17.15.120 Landfilling. Refer to “Fill”.

17.15.121 Land Division. Land division is a general term that refers to the division of land by means described in Chapter 15 of the Lacey Municipal Code, including land divided through a plat, short plat, binding site plan or condominium.

17.15.122 Launch Ramp. An inclined slab, set of pads, planks, or graded slope used for launching boats with trailers. Parking and turn-around areas are usually accessory to such a site.

17.15.123 Legislative Body. The City Council of the City of Lacey.

17.15.124 Levee. A natural or man-made embankment on the bank of a stream for the purpose of keeping flood waters from inundating adjacent land. Some levees have revetments on their sides.

17.15.125 Local Government. Any county, incorporated city or town which contains within its boundaries shorelines of the state subject to Chapter 90.58 RCW.

17.15.126 Lot. “Lot” means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with all yards, open spaces and setbacks required by the Lacey zoning code (LMC Chapter 16).

17.15.127 Lot Area. “Lot area” means the total land space or area contained within the boundary lines of any lot, tract or parcel of land and may be expressed in square feet or acres.

17.15.128 Lot, Front. "Lot Front" means that portion of a lot which is located along an existing or dedicated public street, or, where no public street exists, along a public right of way or private way.

17.15.129 Lot Length. The maximum lineal dimension of a lot, not including an access road(s) less than twenty five (25) feet in width.

17.15.130 Lot Width. "Lot width" means the horizontal distance between side lot lines measured at right angles to the lines comprising the depth of the lot at a point midway between the front lot line and the rear lot line.

17.15.131 Low Intensity Recreation. See "Recreation, Low Intensity".

17.15.140 Marina. A facility with water-dependent components that consists of boat launch facilities and piers, buoys or floats to provide moorage for five (5) or more boats.

17.15.141 Marina, Backshore. Marina located landward of the OHWM. There are two types of backshore marinas, one with wet-moorage that is dredged out of the land to artificially create a basin; and the other, dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water access.

17.15.142 Marina, Foreshore. Marina located in the intertidal or offshore zone waterward of the ordinary high water mark and may require breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), depending on the location.

17.15.143 Marine. Pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

17.15.144 Marsh. A low, flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage, and other aquatic or semi-aquatic plant. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck.

17.15.145 Master Program. The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

17.15.146 Maximum Density. The largest number of dwelling units per acre allowed by the SMP or local development regulations.

17.15.147 Maximum Impervious Surface. The largest amount of hard surfaces allowed with a parcel, which could include roof area, pavement, patios, walkways, driveways and gravel parking areas. Provided hard surfaces designed to be pervious may be exempt from impervious surface calculations pursuant to guidance in the City of Lacey Drainage Manual.

17.15.148 May. "May" implies discretionary authority exercised by the City, based upon complexity of issues that are not necessarily routine or predictable and need to be considered in the bigger picture of the public's best interest and community vision. This term will often apply to a situation, use or action that might be acceptable, provided it conforms to the provisions of this chapter, meets the intent of provisions of the Lacey Comprehensive Land Use Plan and is approved by the administrator after consideration of issues that could adversely impact the public's best interest or compromise the long range vision of the community.

17.15.149 Mixed Use Development. A single structure with two (2) or more different land uses, or a group of physically integrated and easily accessible structures with two (2) or more different land

uses. Combinations of land uses might include residential, office, retail, public, or entertainment. The uses need not be mixed within the same structure, but can include separate uses within different buildings.

17.15.150 Mooring Buoy. Floating object anchored to the bottom of a water body to provide tie-up capabilities for vessels.

17.15.151 Multi-Use Path. Refer to "Shared Use Path".

17.15.152 Must. Denotes a mandate; the action is required.

17.15.160 Native Vegetation. Refer to "Vegetation, Native".

17.15.161 Natural or existing topography. The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

17.15.162 Nonconforming Development or Nonconforming Building or Structure. A building or structure or portion thereof which was lawfully erected, altered or maintained, but no longer conforms with ~~to the~~ present regulations such as setbacks, buffer or yards, area; bulk height or density ~~or~~ standards of the Master Program.

17.15.163 Nonconforming Lot. A parcel of land legally established prior to May 21, 1976 (the effective date of the City's first Shoreline Master Program) which does not conform to the lot size or area requirements of this Master Program.

17.15.164 Nonconforming Use. ~~"Nonconforming use" means a~~An activity in a structure or on a tract of land that was legally established ~~in existence~~ prior to the effective date of the act or shoreline master program ~~ordinance codified in this title~~, which does not conform to the use regulations of the current site zoning ~~use district in which it is located~~.

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17.15.165 Nonwater-Oriented Uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

17.15.166 Normal Maintenance. This includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

17.15.167 Normal Repair. 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 "significant replacement" which is not common practice or causes substantial adverse effects to the shoreline resource or environment. For the purposes of this definition "comparable" shall include but not be limited to its size, shape, configuration, location and external appearance; "significant replacement" shall be defined as repair or replacement valued at 50% or more of the value of the structure being replaced; and "reasonable period" shall be less than 2 years.

17.15.170 On-Premise Sign. Refer to "Sign, On Premise".

17.15.171 Off-Premise Sign. Refer to "Sign, Off Premise".

17.15.172 Open Space. Land and natural wetlands which retain their natural or semi-natural character because they have not been developed with structures, paving or other development or modification and, for the purposes of this program, are normally required of residential and/or recreation developments. In the context of urban land divisions, open space refers to land within specific tracts required for recreational purposes and for tree tract requirements under Lacey's Land Division regulations, Urban Forest Management Plan and tree protection ordinance. Open Space does not refer to submerged lands or tidelands waterward of the OHWM that are sometimes shown platted in waterfront parcels.

17.15.173 Ordinary High Water Mark (OHWM). The mark on all lakes, streams and tidal water which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high-water mark adjoining fresh water shall be the line of mean high water.

17.15.174 Over Water. Location of a structure or development above the surface of the water, or waterward of the OHWM including placement of buildings on pilings, floats, or perimeter rock foundations.

17.15.180 Parcel. A lot or contiguous lots owned by an individual, related individuals, an organization or organizations having similar membership.

17.15.181 Parking. Any space or area specifically allotted for the purpose of temporary, daily or overnight off-street storage of motor vehicles as an accessory use.

17.15.182 Party of Record. Includes 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.

17.15.183 Pedestrian path or trail. A path or trail designed and intended to serve only pedestrians. A pedestrian path will typically be less than seven feet wide and may be either soft or hard surfaced. Surface may use wood chips, a boardwalk, or other surface type if appropriate to the setting and use. Pedestrian paths and trails are environmental friendly and material and width will consider location, use and design for protection of shoreline functions and values.

17.15.184 Permit. Any substantial development, variance, conditional use permit, or revision authorized under Chapter 90.58 RCW.

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

17.15.186 Pier and Dock. Structure generally built from the shore extending out over the water to provide moorage for commercial or private recreation. "Piers" are those structures built on fixed platforms above the water, whereas "docks" are those structures which float upon the water. When a pier or dock is to serve five (5) or more boats, it is considered a marina.

17.15.187 Planned Residential Development. A residential development which permits departures from the conventional siting, setback and density requirements of other sections of the Lacey zoning code in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility.

17.15.188 Planning Department. A part of the City of Lacey's Community Development Department responsible for land use planning and authorized to administer the provisions of the Act, WACs and this master program.

17.15.189 Ports. Centers for waterborne traffic that have become gravitational points for industrial/manufacturing firms.

17.15.190 Pre-Existing Approved Use. A status only given to a specific use at a specific site called out in the policy of the Shoreline Master Program that is based upon unique land use and environmental circumstances of a particular site and use. The designation provides the one specific site and use with all rights and privileges normally granted of a permitted use but with special requirements that must be satisfied for expansion.

17.15.191 Priority Habitat. A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

A. Comparatively high fish or wildlife density;
B. Comparatively high fish or wildlife species diversity;
C. Fish spawning habitat;
D. Important wildlife habitat;
E. Important fish or wildlife seasonal range;
F. Important fish or wildlife movement corridor;
G. Rearing and foraging habitat;
H. Important marine mammal haul-out;
I. Refugia habitat;
J. Limited availability;
K. High vulnerability to habitat alteration;
L. Unique or dependent species; or
M. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

17.15.192 Priority Species. 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:

A. 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.
B. 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.
C. 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.
D. Species listed under the federal Endangered Species Act as proposed, threatened or endangered.

17.15.193 Property Lines. The exterior boundaries of a lot or parcel.

17.15.194 Provisions. Policies, regulations, standards, guideline criteria or environment designations.

17.15.195 Public Access. A trail, path, road, easement, park, parcel of land, launching ramp, view corridor, or other mechanism/feature by which the general public is provided an opportunity to reach, public waters. This term can also be applied to an opportunity to view public water, such as a designated view corridor where no physical access is available.

17.15.196 Public Interest. 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 including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

17.15.200 Qualified Professional. A qualified professional for critical areas shall have a minimum of five (5) years of experience in the pertinent scientific discipline and experience in preparing critical area reports. A qualified critical area professional must have obtained a Bachelor's degree in biology, engineering, geology, environmental studies, fisheries, geomorphology, or a related field. The Planning Official may require professionals to demonstrate the basis for qualifications and shall make the final determination as to qualifications.

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17.15.203 Recreational Development. Provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement or contemplation. It includes facilities for passive recreational activities such as hiking, photography, viewing and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, golf courses and their support buildings, and other outdoor recreation areas.

17.15.204 Recreational Floats. See "Floats, Recreational".

17.15.205 Residence, Multifamily "Multifamily" means two or more living units under the same ownership where land has not been divided, i.e., duplex, triplex, quadraplex and apartment units.

17.15.206 Residence, Single-Family detached. A building designed for occupancy by one (1) family and containing one (1) dwelling unit and may include an accessory dwelling. With the exception of an accessory dwelling, the residence will be detached from other dwelling units and will normally be the only dwelling unit on the lot that it occupies.

17.15.207 Residence, Single-Family Attached. A building containing a number of dwelling units for individual families under individual ownership. This housing form can include condominiums, townhomes and other concepts that have multiple attached dwelling units in individual ownership.

17.15.208 Residential Development. One or more buildings, structures, lots, parcels or portions thereof that are designed for and used or intended to be used to provide a place of abode for human beings. Residential development includes single-family dwellings; duplexes; other detached dwellings; floating homes; multi-family development (apartments, townhouses, mobile home parks, other similar group housing); condominiums; subdivisions; and short subdivisions, together with accessory and appurtenant uses and structures normally applicable to residential uses including but not limited to garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages.

17.15.209 Restore, Restoration or Ecological Restoration. 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.

17.15.210 Revetment. A sloped shoreline structure (constructed of riprap or other substantial material) built to protect an existing eroding shoreline or newly placed fill against waves, wakes, currents, or weather.

17.15.211 Riprap. Broken stone placed on shoulders, slopes or other such places to protect them from erosion.

17.15.212 Roads and Railroads. Those passageways, and associated facilities and activities used by or associated with pedestrians, vehicles and trains, including but not limited to: all public and private roads; major highways; freeways; railways; the corridors in which they are placed; bridges; culverts; riprapping; landfills; cuts; turnouts; rest stations; viewpoints; picnic areas; landscaping; and soil erosion safeguards.

17.15.220 Scientific Education. Any activity undertaken for the support of public or private science education, such as scientific studies, classroom field trips and observation, interpretive trails and similar generally low impact activities. This category also includes sites and areas having scientific and educational values. For the purposes of this SMP this term does not include development of structures for habitation or institutional education such as schools or museums.

17.15.221 Seawalls. Structures normally more massive than bulkheads and revetments, built for the purpose of protecting the shore and uplands from heavy wave action and incidentally, retaining uplands and fills. Seawalls are not common to the Puget Sound region.

17.15.222 Setback. An area in which development of structures is restricted. Setbacks apply to structures and in general are intended to maintain a certain distance from some designated point to accomplish certain objectives. Objectives include such things as:

A. To maintain a minimum distance on a side yard to provide adequate light, circulation and air between adjacent structures (side yard setback);

B. To maintain a minimum distance in a front yard between a structure and the right of way to maintain a desired streetscape, provide area for future right of way expansion, to provide area for utility (front yard area setback);

C. To keep a structure located a safe distance from an unstable bluff (critical area setback from unstable slopes with a buffer function);

D. To keep enough space between a structure and natural shoreline processes (e.g. wave action and erosion) to avoid the need for bulkheading or other shoreline stabilization measures (shoreline setback from ordinary high water mark with a buffer function);

E. To maintain distance from critical/sensitive areas to protect the critical/sensitive area from disturbance (critical area setback with a buffer function);

F. To leave area for retention of natural vegetation or establishing naturalized landscaping to provide buffering and protective functions for designated areas (Shoreline setback from ordinary high water mark with buffering function);

G. To improve shoreline aesthetics and protect shoreline views by the restriction of structures (shoreline setback from ordinary high water mark).

For the purposes of this Shoreline Master Program, the term setback will often be used in association with the term buffer, as the purpose(s) and function(s) of the setback will often overlap with the purpose(s) and functions of a buffer as described above. One distinction between the two terms, is buffers generally restrict a range of activity and use in a designated area, while setbacks generally

only apply to location of a structure within a designated area or more specifically location of the structure a certain distance from a particular point. See also definition of buffer, 17.15.035.

17.15.223 Shall. Denotes a mandate; the action must be done.

17.15.224 Shared Use Path. A facility physically separated from motorized vehicular traffic within the highway right-of-way or on an exclusive right-of-way with minimal crossflow by motor vehicles. It is designed and built primarily for use by bicycles, but is also used by pedestrians, joggers, skaters, wheelchair users (both non-motorized and motorized), equestrians, and other non-motorized users.

17.15.225 Shorelands or Shoreland Areas. Means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

17.15.226 Shoreline Access Incentive Dedication Agreement Program. The Shoreline Access Incentive Dedication Agreement Program is a program designed to achieve dedication of public access objectives of shoreline areas for public use and protection. In return for dedication of shoreline areas to the public, density bonuses and transfers are provided for development to upland areas on the subject site, outside of shoreline jurisdiction, or other areas throughout the city that are determined to be consistent with the intent of the Comprehensive Land Use Plan.

To promote innovative developments with superior quality and functionality, the program combines economic incentives for the development community (through significant density credit) goals of the Comprehensive Land Use Plan (for quality urban neighborhoods) and flexible application of normal zoning code standards (to permit flexibility and encourage innovation).

17.15.227 Shoreline Areas and Shoreline Jurisdiction. Means all shorelines of the state and shorelands as defined in RCW 90.58.030.

17.15.228 Shoreline Environment Designation. Means the categories of shorelines of the state established by the master program to differentiate between areas whose features imply differing objectives regarding their use and future development.

17.15.229 Shoreline Jurisdiction. All "shorelands" as defined in RCW 90.58.030. Refer to “Shorelands or Shoreland Areas”. For the purposes of this SMP, this term refers to all lands and aquatic area falling under the jurisdiction of this SMP; generally including all land within 200 feet landward of the OHWM, all designated associated wetland areas, and area waterward of the OHWM under the jurisdiction of the City of Lacey.

17.15.230 Shoreline Management Act. The Shoreline Management Act of 1971 (Chapter 90.58 RCW, as amended).

17.15.231 Shoreline Master Program or Master Program. Means the comprehensive use plan element for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, policies and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a city approved under Chapter 90.58 RCW shall be considered an element of the city's comprehensive land use plan. All other portions of the shoreline master program for a county or city adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the city's development regulations.

17.15.232 Shoreline Modifications. 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.

17.15233 Shoreline Permit. Refer to "Permit".

17.15.234 Shoreline Stabilization/Protection. Action taken to reduce adverse impacts caused by current, flood, wake or wave action. This action includes all structural and nonstructural means to reduce these impacts due to flooding, erosion and accretion. Specific structural and nonstructural means included in this use activity are bulkheads, dikes, levees, riprap, sea walls, shoreline berms, beach feeding and breakwaters.

17.15.235 Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except

A. Shorelines of statewide significance;
B. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
C. Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

17.15.236 Shoreline Access Segment. Is a part of the shoreline parcel which is fifteen (15) linear feet wide parallel to the shoreline or twenty percent (20%) of the parcel width, whichever is smaller, and extends upland to the existing or proposed structure.

17.15.237 Shorelines of Statewide Significance. The following shorelines of the state are so designated:

A. The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

B. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
   1) Nisqually Delta -- from DeWolf Bight to Tatsolo Point,
   2) Birch Bay -- from Point Whitehorn to Birch Point,
   3) Hood Canal -- from Tala Point to Foulweather Bluff,
   4) Skagit Bay and adjacent area -- from Brown Point to Yokeko Point, and
   5) Padilla Bay -- from March Point to William Point.

C. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

D. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

E. Those natural rivers or segments thereof as follows:
   1) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,
   2) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer.

F. Those shorelands associated with A, B, D, and E.

17.15.238 Shorelines of the State. The total of all shorelines and shorelines of statewide significance within the State of Washington.

17.15.239 Should. Denotes that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act, WAC 173-26 (2), against taking the action.

17.15.240 Sign. Means any commercial communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. For the purpose of this chapter, a sign shall not be considered to be building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

17.15.241 Sign, Off-Premise. Means a permanent sign not located on the premises of use or activity to which the sign pertains.

17.15.242 Sign, On-Premise. Any sign identifying the premises on which located or the occupant(s) thereof, or relating to goods or services manufactured, produced or available on the premise.

17.15.243 Sign, Off-Premise Directional. Means an off-premise sign designed to guide the public to an area, place, business or service.

17.15.244 Sign, Real Estate or Property for Sale, Rental or Lease Sign. Means any sign pertaining to the sale, lease or rental of land or buildings.

17.15.245 Sign, Wayfinding. A type of street sign which provides directions to local attractions and sites.

17.15.246 Significant Vegetation Removal. Means the direct and indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed lot, public lands or public right-of-way. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the trees appearance and/or functionality, such as topping. The removal of invasive or noxious weeds does not constitute significant vegetation removal.

17.15.247 Single Family Residence. See Residence, Single Family.

17.15.248 Solid Waste. All solid, semi-solid, and liquid wastes including garbage, rubbish, ashes, plastics, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities.

17.15.249 Stairs. A series of steps or flights of steps for passing from one level to another.

17.15.250 Stair Tower. A structure twelve (12) feet or taller in height typically consisting of one (1) or more flights of stairs, usually with landings to pass from one level to another.

17.15.251 Stairway. One or more flights of stairs, usually with landings to pass from one level to another.

17.15.252 State Master Program. The cumulative total of all master programs approved or adopted by the Department of Ecology.

17.15.253 Streambank. The area running along the course of a stream and rising from the ordinary high water mark (OHWM) up to the first significant break in slope. The first significant break in slope is a bench at least fifteen (15) feet wide. The streambank ends at the top of the bank where that break in slope occurs. NOTE: This definition is not intended to include the concept of a buffer for streams. It is only a definition of a physical feature associated with streams.

17.15.254 Streamway. That corridor of a single or multiple channel or channels within which the usual seasonal or stormwater runoff peaks are contained. The flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating currents.

17.15.255 Street. See Road.

17.15.256 Street, Flanking. A street, alley or right of way other than the one on which a corner lot has its main frontage.

17.15.257 Street, Public. A street in public ownership.

17.15.258 Structure. 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.

17.15.259 Submerged Lands. Those areas below the ordinary high-water mark of marine waters, lakes and rivers.

17.15.260 Substantially Degrade. Means to cause significant ecological impact.

17.15.261 Substantial Development. Any development of which the total cost or fair market value exceeds ~~five thousand dollars ($5,718),~~ the amount identified in WAC 173-27-040 and RCW 90.58.030(3)(e) or any development which materially interferes with the normal public use of the water or shorelines of the state. ~~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 month before the new dollar threshold is to take effect.~~

Commented [VZK(18]: Retain this provision as it is part of the definition.

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The following developments listed within WAC 173-27-040 are exempt from substantial development permit and shall not be considered substantial developments for the purpose of this master program.~~:~~

~~A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;~~

~~B. Construction of the normal protective bulkhead common to single family residences;~~

~~C. Emergency construction necessary to protect property from damage by the elements;~~

~~D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of~~

being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

E. Construction or modification of navigational aids such as channel markers and anchor buoys;

F. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to WAC 173-26;

G. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of WAC 173-26 or this Master Program;

H. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

I. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

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

K. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
   a. The activity does not interfere with the normal public use of the surface waters;
   b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
   c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
   d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
   e. The activity is not subject to the permit requirements of RCW 90.58.550.

L. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the department jointly with other state agencies under RCW 43.21C.

Commented [AC21]: Per Ecology comment

17.15.262 Surface Water Body. Any water area which is within the shorelines of the state.

17.15.270 Tideland. The land on the shore of marine water bodies between OHWM or MHHW and the line of extreme low tide which is submerged daily by tides.

17.15.271 Transmit. To send from one person or place to another by means of mail, email, or hand delivery. The date of transmittal for mailed items is the date that the document is postmarked for emailed items the date emailed and for hand-delivered items the date of receipt at the destination.

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

17.15.273 Utilities. Services and facilities that produce, convey, store, process or dispose of electric power, gas, water, sewage, stormwater, communications (including cellular towers), oil, waste and the like.

17.15.274 Utilities, Accessory. Those small-scale on-site services connected directly to a primary use along the shoreline.

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

17.15.276 Vegetation, Native. Native plants commonly found in Thurston County. Generally comprised of three vegetative levels including an overstory of trees, an understory of shrubs, and a floor of herbs.

17.15.277 Vegetation Management, Active. Involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion.

17.15.278 Vegetation Management, Passive. Deals with protection and enhancement of existing diverse native plant communities along all shorelines including rivers, wetlands, lakes and steep bluffs.

17.15.279 Vessel. This includes ships, boats, barges or any other floating craft that is designed and used for navigation and does not interfere with the normal public use of the water.

17.15.280 Water-Dependent Use. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-dependent uses include, but are not limited to:

A. Aquaculture,
B. Boat launch facilities,
C. Ferry terminals,
D. Hydroelectric power plants,
E. Marinas,
F. Marine construction, dismantling and repair,
G. Marine and limnological research and education,
H. Private and public docks for moorage,
I. Terminal and transfer facilities for marine commerce and industry,
J. Water intakes and outfalls,

K. Log booming, and
L. Tug and barge facilities.

17.15.281 Water-Enjoyment Use. 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-enjoyment uses include but are not limited to:

~~1.~~A. Aquarium, with direct water intake,
~~2.~~B. Restaurants,
~~3.~~C. Public golf courses,
~~4.~~D. Museums,
~~5.~~E. Shared use paths,
~~6.~~F. Boardwalks, and
~~7.~~G. Viewing towers.

17.15.282 Water-Oriented Use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

17.15.283 Water Quality. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this master program, 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.

17.15.284 Water-Related Use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
B. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Water-related uses include, but are not limited to:

~~1.~~A. Warehousing or storage facilities,
~~2.~~B. Support services for fish hatcheries,
~~3.~~C. Seafood processing plants,
~~4.~~D. Wood products manufacturing,
~~5.~~E. Log storage,
~~6.~~F. Watercraft sales, and
~~7.~~G. Boating supplies.

17.15.285 Weir. A device placed in a stream or river to raise or divert the water.

17.15.286 Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a

prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

17.20 Jurisdiction, Designations and Map

17.20.005 Shoreline Jurisdiction, Designations and Map - Conflicts Between Designation and Criteria

In the event that any of the boundaries shown on the maps conflict with the criteria outlined in Sections 17.20.010 to 17.20.035, the criteria shall control.

It is anticipated that all areas within Lacey's shorelines are properly mapped and designated. This authority is set forth in RCW 35.21.160 which extends jurisdiction to the middle of waterbodies including lakes, rivers and sounds. However, if for any reason an area within shoreline jurisdiction is not mapped and/or designated, it shall automatically be assigned an ~~urban conservancy~~Urban Conservancy designation until the shoreline can be re-designated through a master program amendment.

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17.20.010 Shorelines of the State

The jurisdiction of this master program is "shorelines of the state", which includes all "shorelines" and "shorelines of statewide significance", as defined in RCW 90.58.030.

17.20.015 Shoreline Jurisdiction for Marine Waters

Shoreline jurisdiction for tidal or marine waters shall include the shorelines of Puget Sound and:

1. Those lands which extend landward two hundred (200) feet as measured on a horizontal plane from the ordinary high water mark; and
2. Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: periodic tidal inundation, hydraulic continuity, formation by tidally influenced geohydraulic processes, or a surface connection through a culvert or tide gate.

17.20.020 Shoreline Jurisdiction for Lakes

Shoreline jurisdiction for lakes larger than twenty (20) acres in size shall include:

1. Those lands which extend landward two (200) hundred feet as measured on a horizontal plane from the ordinary high water mark; and
2. Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: periodic inundation or hydraulic continuity.

17.20.025 Shoreline Jurisdiction for Streams and Flood Plains

Shoreline jurisdiction for streams where the mean annual flow is twenty (20) cubic feet per second or greater shall include the greater of the following:

~~A.~~1. Those lands which extend landward two (200) hundred feet as measured on a horizontal plane from the ordinary high water mark;

~~B.~~2. All of the one hundred (100) year flood plain within the associated shorelands;

~~C.~~3. Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: periodic inundation; location within a flood plain, or hydraulic continuity; and

~~D.~~4. Those lands within a river delta flood plain except for 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.

17.20.027 Shoreline Jurisdiction and Relationship to Associated Wetland Buffers

For the purposes of this SMP, the shoreline jurisdiction shall not include the buffer of an associated wetland or other critical area buffer, except those portions of the buffer located on shorelands within 200 feet of the OHWM.

17.20.030 Shorelines within the City of Lacey and its Urban Growth Area

The City of Lacey shall have authority over those shorelines within its municipal boundaries. The ~~shoreline environment designation for a~~ predesignated shoreline environment designation in the Urban Growth Area shall take effect upon annexation consistent with WAC 173-26-150. Those shorelines within the City of Lacey and its Urban Growth Area which have been inventoried and found to meet the criteria of the Sections 17.20.015, 17.20.020, and 17.20.025 are as follows:

Commented [AC23]: Per Ecology comment

~~A.~~1. Marine Waters:

~~a.~~**A.** Nisqually Reach

~~B.~~2. Lakes:

~~1.~~A. Chambers Lake
~~2.~~B. Hicks Lake
~~3.~~C. Long Lake
~~4.~~D. Pattison Lake
~~5.~~E. Southwick Lake

~~C.~~3. Streams and Floodplains:

~~1.~~**A.** Woodland Creek - Where it meets the streamflow requirements for 20 cubic feet per second, mean annual flow. See SMP Inventory and Characterization Report for more information.

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17.20.035 Shoreline Jurisdiction for Shorelines of Statewide Significance

Shoreline jurisdiction for "shorelines of statewide significance" shall include:

Those areas of Puget Sound between the ordinary high water mark and the line of extreme low tide as follows: Nisqually Delta from Dewolf Bight to Tatsolo Point.

Those shorelands associated with the above referenced areas.

17.22 Shoreline Environment Designations

17.~~20~~22.040 Purpose and Intent

The Shoreline Master Program Guidelines (Chapter 173-26 WAC) recommends a classification system for designating shorelines. The purpose and designation criteria, for each of these "Shoreline Environment Designations" or "SEDs" are described in Sections 17.20.045 to 17.20.075.

17.~~20~~22.045 Aquatic – Purpose

The purpose of the ~~aquatic~~Aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

17.~~20~~22.046 Aquatic – Designation Criteria

Assign an ~~aquatic~~Aquatic environment designation to lands waterward of the ordinary high-water mark (OHWM).

17.~~20~~22.050 Aquatic – Management Policies

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in Section 17.40.015 of this SMP as necessary to assure no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

17.~~20~~22.055 Natural - Purpose

The purpose of the ~~natural~~Natural environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.

17.~~20~~22.060 Natural Designation - Criteria

The ~~natural~~Natural environment designation has been applied to shoreline areas with the following characteristics:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest;

3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

Lacey's shoreline areas that meet this criteria include largely undisturbed portions of shoreline areas with wetlands, the Woodland Creek stream corridor system and the ecologically intact shoreline habitat by Butterball Cove in the Hawks Prairie Planned Community.

Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Lacey's ecologically intact shorelines around Hicks Lake and the Woodland Creek corridor are generally free of structural shoreline modifications, structures, and intensive human uses. These areas have been designated as OSI under Lacey's zoning code for over a decade to protect wetland areas. Prior to that time they were not developed because other properties that were easier to develop were available.

The marine area in the Hawks Prairie Planned Community is also considered "ecologically intact". These areas are generally forested and include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. These areas have also been protected by critical area regulations and ownerships that have been good land stewards. Much of the Woodland Creek corridor is under the ownership of Saint Martin's Abbey that has placed a high priority on preservation of the Creek's natural functions and values and has protected the Creek from development. The Hawks Prairie Planned Community also included protection of the marine area by designating it as open space and protecting its natural character.

The term "ecologically intact shorelines" applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

17.~~20~~22.061 Natural Designation – Management Policies

1. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

2. The following new uses should not be allowed in the "~~natural~~Natural" environment:
   A. Commercial uses,
   B. Industrial uses,
   C. Nonwater-oriented recreation,
   D. Roads, utility corridors, and parking areas that can be located outside of "~~natural~~Natural" designated shorelines.

3. Single family residential development may be allowed but limited to a density and intensity of such use as necessary to protect ecological functions and be consistent with the purpose of the environment designation. Incentive programs are also planned to make transfer of densities off site to upland areas outside of shoreline jurisdiction more valuable than development of the property within shoreline jurisdiction.

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

5. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should be prohibited. Development of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions should be prohibited. Incentives will be developed that encourage development outside of shoreline jurisdiction in exchange for significant density transfer bonuses.

17.~~20~~22.065 Urban Conservancy - Purpose

The purpose of the ~~urban conservancy~~Urban Conservancy environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

17.~~20~~22.066 Urban Conservancy - Designation Criteria

The ~~urban conservancy~~Urban Conservancy environment designation has been applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area. These areas are generally not suitable for water-dependent uses. Areas designated ~~urban conservancy~~Urban Conservancy generally have the following characteristics:

~~A.~~1. Shoreline areas that are suitable for water-related or water-enjoyment uses;

~~B.~~2. Shoreline areas that are open space, flood plain or other sensitive areas that should not be more intensively developed;

~~C.~~3. Shoreline areas that have potential for ecological restoration;

~~D.~~4. Shoreline areas that retain important ecological functions, even though partially developed; or

~~E.~~5. Shoreline areas that have the potential for development that is compatible with ecological restoration.

17.~~20~~22.067 Urban Conservancy - Management Policies

1. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

2. Standards have been established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "~~urban conservancy~~Urban Conservancy" designation. These standards are designed to promote no net loss of shoreline ecological functions or values.

3. Public access and public recreation objectives shall be implemented according to priorities of Lacey's Public Access Plan whenever feasible and significant ecological impacts can be mitigated.

4. Water-oriented uses will be given priority over non-water oriented uses.

17.~~20~~22.070 Shoreline Residential - Purpose

The purpose of the ~~shoreline residential~~Shoreline Residential environment is to accommodate residential development and appurtenant structures that are consistent with the SMP, state guidelines and this chapter. An additional purpose is to provide appropriate public access and recreational uses.

17.~~20~~22.072 Shoreline Residential Designation - Criteria

The ~~shoreline residential~~Shoreline Residential environment designation is designed for shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, and incorporated municipalities and areas that are predominantly developed with single-family or multifamily residential development or are planned and platted for residential development. Areas meeting this criterion within Lacey have been designated ~~shoreline residential~~Shoreline Residential.

17.~~20~~22.075 Shoreline Residential - Management Policies

1. Standards for density, setbacks, buffers within the setback area, lot coverage limitations, shoreline stabilization policies and standards, vegetation conservation and restoration requirements, critical area protection, and water quality have been set based upon the inventory and characterization report and existing use to promote no net loss of shoreline ecological functions.

2. Shoreline environment designations take into account the environmental limitations and sensitivity of specific shoreline area (reaches). Designations also consider the level of

infrastructure and services available, recommendations from state agencies with expertise and other comprehensive planning considerations.

3. Areas that have been designated Shoreline Residential meet criteria for this designation are generally already urbanized to some extent and are planned for residential use under Lacey's GMA based Comprehensive Land Use Plan.

4. Multifamily and multi-lot residential and recreational developments should be required to provide public access according to Lacey's Public Access Plan. Flexibility in land form (type of residential development planned; SFR, attached, detached, multifamily etc.),will be allowed to encourage residential forms that can be clustered to minimize environmental impacts and accomplish public access objectives.

5. Access, utilities, and public services should be provided to be available and adequate to serve proposed and future development.

17.~~20~~22.100 Official Map

1. Approximate Shoreline Jurisdiction and the Shoreline Environment Designations are delineated on a map, hereby incorporated as a part of this SMP that shall be known as the "City of Lacey Shoreline Master Program Map"; see ~~Map 1~~Appendix 1, SED Maps.

2. For the purposes of coordination of shoreline requirements with general land use regulations and the City Comprehensive Land Use Plan, the shoreline designations are also shown as an overlay on the Comprehensive Land Use Plan Map and Zoning map.

3. The boundaries of shoreline jurisdiction on the map are approximate. The extent of shoreline jurisdiction shall be based upon an on-site inspection and the criteria found in Sections 17.20.015 to 17.20.035.

4. The official copy of this map shall reside with the Washington State Department of Ecology.

   Copies of this map are available for public use from the City of Lacey, Community Development Department.

Commented [AC25]: Table 5-1 #8, Ecology comment

A marker delineates a wetland associated with the major wetlands system south of Hicks Lake. The delineation will mark off the area that is wetland and a required buffer that is dedicated to the City for preservation of the system and its functions and values over the long term.

Picture showing the view residents enjoy from the north side of Chambers Lake.

Article 2. Use and Development Standards Matrix, Nonconformances, and Residential Development

17.24 Tables for Permitted Uses, Development Standards and Modifications

1. **Uses and Activities**:

   A. Guidelines for vegetative improvements, when required, are provided in Section 17.41.021.

   B. Uses and activities may be allowed by shoreline environment designation as listed in ~~Table 3~~17.24.010.

   C. Uses and activities shall be subject to the development standards for the specific use(s) or activity and as provided in ~~Table 4~~17.24.015.

   D. When there are no development standards for a specific use or activity, application for such use or activity shall be processed as a CUP and the design of the proposed use shall satisfy the goals and policies in Section 17.44 and promote no net loss of shoreline ecological functions and values.

   E. The tables are considered summary information for quick review.
   If there is a conflict between the standards provided in the tables and text of sections dealing with specific uses, modifications or activities, the text shall prevail; individual text sections provide detailed consideration of the topic with the intent behind the standards.

2. **Shoreline Modifications, Table of Shoreline Modifications by Shoreline Environment Designation**:

   A. Shoreline modifications may be allowed by shoreline environment designation as listed in ~~Table 5~~17.24.020.

   B. Shoreline modifications shall be subject to the development standards for the specific type of shoreline alteration as described in separate sections dealing with each type of modification and as listed in ~~Table 4~~17.24.015.

   C. When there are no development standards for a specific shoreline modification, the shoreline modification shall follow the intent described in general goals and policies provided throughout this SMP, as well as applicable discussion and any goals and policies provided that are applicable to the specific modification. The fundamental requirement to promote no net loss of shoreline ecological functions expressed throughout this SMP shall be used as benchmark for consideration.

17.24.010 ~~Table 3 –~~ Uses and Activities Matrix

Commented [AC26]: Table 5-1 #10

~~Table 3 –~~ Uses and Activities by Shoreline Environment Designation

USES & ACTIVITIES	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Agriculture	X	X	X	X
Aquaculture (17.47)				
~~1.~~ • Shellfish Aquaculture	S	S	C	S*
~~2.~~ • Fish Hatcheries and other Commercial Aquaculture	S	S	X**	S*
Boating Facilities (17.49)				
• Launch Ramps	S	S	C	S*
• Marinas	X	X\S+	X	S*
• Covered Moorage	X	X	X	X
(Refer to ~~Table 5~~17.25 for Piers and Docks)				
Commercial	X	X	X	X
Forestry	X	X	X	X
Historical or Archeological				
~~1.~~ • Protection, Rehabilitation and Restoration	**N/A**	**N/A**	**N/A**	**N/A**
~~2.~~ • Reconstruction of Replica	**C**	**C**	**C**	**C**
Industrial	X	X	X	X
Mining	X	X	X	X

Commented [VZK(27]: It is helpful if the specific uses/activities are linked to the appropriate section of the SMP – see examples for Aquaculture and Boating Facilities..

Commented [JB28R27]: Yes. Like that. Add links to sections.

Commented [DN29R27]: To be considered after all revisions are done. Sections may change. Note, this edit is not required.

For description of permit types see Section 17.30.
S = Requires a Shoreline Substantial Development Permit
E = Requires a Shoreline Exemption; and must comply with applicable Master Program sections
C = Requires a Shoreline Conditional Use Permit
X = Prohibited; not eligible for a Substantial Development or Conditional Use Permit
NA = Not applicable, refer to the appropriate Master Program section for additional standards
1 = Within one hundred (100) feet of the ordinary high water mark
2 = From one hundred (100) feet from the OHWM to the landward edge of shoreline jurisdiction
+= New marinas are prohibited until and unless the City's Comprehensive Plan for Outdoor Recreation demonstrates a need. See additional provisions in Section 17.49.020.
* = In the Aquatic environment the use or shoreline modification may be allowed if it is allowed in the adjacent upland shoreline environment designation
**Existing uses shall be given a status of "pre-existing approved use and treated as a permitted use. Provided the use meets requirements of Section 17.47 and any expansion is processed as a conditional use permit.

Commented [AC30]: Consistency with table under 17.24.015

~~Table 3 –~~ Uses and Activities ~~by Shoreline Environment Designation~~Matrix

USES & ACTIVITIES	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Parking				
~~1.•~~ Serving an approved use	**S**	**S**	**S*****	**X**
~~2.•~~ Primary use~~Serving any other use including paid~~	**X**	**X**	**X**	**X**
Recreation				
• Water-dependent	S	S	S	S
• Water-related	S	S	S	S
• Water-enjoyment	S	S	S	C
• Non-water oriented	C^1 / S^2	C^1 / S^2	X^1 / C^2	X
• Pedestrian trail, surfaced with wood chips or other natural permeable material. Designed to minimize impact to shoreline functions and values.	N/A	N/A	N/A	N/A
• Pedestrian trail in a boardwalk design in sensitive area or buffer for public access. Designed to minimize impacts to shoreline functions and values.	N/A	S	S	N/A
Residential				
• Single-Family	E	E	C	X
• Land Division	C	C	C	X
• Attached Single Family & Multi-Family	S	S	X	X
Scientific or Educational	N/A****	N/A****	C	N/A****
Signage				
~~1.•~~ On Premise and Way Finding	N/A	N/A	N/A	N/A
~~2.•~~ Off Premise	X	X	X	X
Solid Waste Disposal	X	X	X	X
Transportation				
• Roads and Railroads	C^1 / S^2	C^1 / S^2	C	C*
• Shared Use Path	S	S	S	S*
Utilities				
• **Primary**	C^1 / S^2	C^1 / S^2	C	C*
• **Accessory to primary use**	*Refer to primary use*	*Refer to primary use*	*Refer to primary use*	*Refer to primary use*

S = Requires a Shoreline Substantial Development Permit
E = Requires a Shoreline Exemption; and must comply with applicable Master Program sections
C = Requires a Shoreline Conditional Use Permit
X = Prohibited; not eligible for a Substantial Development or Conditional Use Permit
N/A=Not applicable, refer to the appropriate Master Program section for additional standards. Such uses and activities may not meet the definition of development or threshold to be considered "substantial development".
1 = Within one hundred (100) feet of the ordinary high water mark
2 = From one hundred (100) feet from the OHWM to the landward edge of shoreline jurisdiction
+= New marinas are prohibited until and unless the City's Comprehensive Plan for Outdoor Recreation demonstrates a need. See additional provisions in Section 17.49.020.
* = In the Aquatic environment the use or shoreline modification may be allowed if it is allowed in the adjacent upland shoreline environment designation
**Existing uses shall be given a status of "pre-existing approved use and treated as a permitted use. Provided the use meets requirements of Section 17.47 and any expansion is processed as a conditional use permit.

~~*~~** Parking in the ~~natural~~Natural designation is limited to a single family garage attached to the house. Public access sites may have limited surface parking meeting development standards appropriate to the use provided the applicant illustrates it is infeasible to locate necessary parking outside the shoreline jurisdiction.
***~~*~~Provided a Conditional Use Permit may be required according to the provisions of Section 17.66 1.G. of this SMP

17.24.015 Development Standards Matrix

~~Table 4 –~~ Development Standards Matrix~~by Shoreline Environment Designation~~

DEVELOPMENT STANDARDS	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Aquaculture				
OHWM setback@	15’	25’	50’	NA
Building height	35’	35’	35’	10’
Boating Facilities *(Boat Launches, Marinas)*				
Water-dependent				
OHWM setback@	0’	0’	0’	NA
Building height	30’	30’	25’	20’
Water-related				
OHWM setback@	15’	15’	25’	NA
Building height	30’	30’	25’	NA
Parking facilities (surface)	50’	75’	150’	N/A
Recreation Development				
Water-dependent				
OHWM Setback@	25’	25’	25’	NA
Building Height	25’	25’	25’	10’
Water-related & enjoyment				
OHWM Setback@	50’	50’	50’	NA
Building Height	25’	25’	25’	10’
Nonwater-oriented				
OHWM Setback@	100’	100’	100’	NA
Building Height	25’	25’	25’	10’
Shared Use Path				
OHWM Setback@	25’***	50’***	75’***	NA
Pedestrian Trails and Shoreline Access Segment	0’	0’	0’	
Residential Development				
Single-Family Dwellings				
Maximum Density	4~~*~~du/ac	1 du*/ac	1du*/10 ac	NA
OHWM Setback@	50’	100’	150’	NA
Building Height	35’	35’	35’	NA
Maximum Impervious Surfaces	50%	30%	10%	NA
Minimum Lot Size/Width	7,500 s.f.+/50’	+/50’	+/50’	NA
Attached Single Family & Multi-Family Dwellings				
Maximum Density	4* du/ac	1* du/ac	1* du/10 ac****	NA
OHWM Setback@	50 feet	100’	150’	NA
Building Height	35’	35’	35’	NA
Maximum Impervious Surfaces	50%	30%	10%****	NA
Minimum Lot Size/Width		+	+	NA
Accessory structures	50’	100’	150’	N/A

Commented [DN31]: Not in table footnote

DEVELOPMENT STANDARDS	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Transportation **Roads and Railroads** OHWM setback@	50’	75’	150’	NA
Utilities OHWM setback@ Building height Accessory to primary use	50’, 0’** 25[1] / 35[2] *Refer to Primary Use*	75’, 0** 25[1] / 35[2] *Refer to Primary Use*	150’, 0** 20[1] / 30[2] *Refer to Primary Use*	NA, 0’** NA *Refer to Primary Use*

OHWM = Ordinary high water mark
NA = Not applicable, refer to the appropriate Master Program section for additional standards
+= Refer to residential lot size and width provisions in Section 17.~~2663~~.025.
1 = Within one hundred (100) feet from the ordinary high water mark
2 = From one hundred (100) feet to the edge of the shoreline jurisdiction
@ = Refer to shoreline vegetation conservation provisions in Sections 17.41.
**Water ~~dependant~~dependent utilities (such as a desalination plant) may extend into the water and will not be subject to a setback, as determined by the administrator.
*** The Administrator may authorize lesser setbacks upon granting of a variance, according to a site specific analysis considering purpose, need, environmental conditions and design, and provided no other alignment is practical or feasible. If a lesser setback is permitted, objectives of no net loss shall be satisfied.
**** Housing must be clustered and be designed to have the least impact to shoreline resources, including utilization of low impact development techniques. Emphasis is to encourage use of incentive programs~~.~~, providing higher value and density opportunities when shoreline area is dedicated to the public. Under incentive programs all development and associated density is transferred out of shoreline jurisdiction to a designated receiving area.

Commented [AC32]: Table 5-1 #5

17.24.020 ~~Table 5 –~~ Shoreline Modifications Matrix~~by Shoreline Environment Designation~~

Commented [AC33]: Table 5-1 #10

SHORELINE MODIFICATIONS	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Dredging	NA	NA	NA	C
Grading and Fill				
Ecological Restoration Project	S	S	S	S
All Other Activities	C	C	X	C
Overwater Structures				
Buoy	S	S	C	*
Pier and Dock	C[1] / S[2] / C[3]	C[1, 3] / S[2]	C**	C**
Recreational Float	S	S	C	*
Shoreline Stabilization				
Beach Restoration and Enhancement	S	S	S	S
Bioengineering	S	S	C	C
Revetment and Gabion	C	C	X	C
Bulkhead	C	C	X	C
Breakwater, Jetty, Groin and Weirs	X	X	X	X
Dike, Levee and Instream Structure	C	C	X	C*
Stair Tower	X	X	X	X
****Replacement of Modification** (repair exceeds 50% of replacement value)	C	C	C	C
**** Repair of Modification** (repair value is less than 50% of replacement value)	E	E	E	E

S = Requires a Shoreline Substantial Development Permit
E = Requires a Shoreline Exemption; and must comply with applicable Master Program sections
C = Requires a Shoreline Conditional Use Permit
X = Prohibited; not eligible for a Substantial Development or Conditional Use Permit
NA = Not applicable, refer to the appropriate Master Program section for additional standards

1 = Serving one (1) property
2 = Serving two (2) or more properties and exceeding the exemption threshold for a Substantial Development Permit pursuant to Section 17.30.035 ~~(7)~~.
3 = Serving more than one property but under the exempt threshold for a Substantial Development Permit pursuant to Section 17.30.035 ~~(7)~~.
*The use or shoreline modification may be allowed in the Aquatic Environment if it is allowed in the adjacent upland environment. In such case the underlying permit process will be used for review and conditioning of the use or modification to ensure mitigation and no net loss of function or value.

Commented [AC34]: Table 5-1 #1

** Use is prohibited in the Natural designation, and Aquatic designation when located adjacent to shorelands with the Natural designation, except as provided in Section 17.61.020 (4), (8) and (9)
**** Value will be calculated from the International Building Code Tables used to calculate the value of improvements for determining the cost of permits. If no value can be assigned from the IBC, other means for determining the "fair market value" will be utilized.

17.25 Piers and Docks

17.25~~61~~.01~~2~~0 Piers and Docks - Development Standards

Commented [AC35]: Move to earlier section occurred per City direction, Table 5-1 #5

1. New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.

2. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

3. New pier or dock construction, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.

4. If the City has performed a needs analysis associated with its Comprehensive Plan for Outdoor Recreation, or Public Access Plan, and it determines a pier or dock is necessary and consistent with this Program, it shall serve as the necessary justification for pier or dock design, size, and construction. The intent of this provision is to allow the City the flexibility necessary to provide for existing and future public recreational opportunities associated with the use of piers and docks.

5. New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.

6. Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. See Section 17.35.

7. Piers and docks shall adhere to the Green Shoreline Guidelines concepts in the Green Shoreline Landscaping: Examples and Guidelines ~~Appendix 2~~ and construct such structures of materials that have been approved by applicable state agencies.

Commented [AC36]: Table 5-1 #8

8. New piers and docks in the marine environment shall only be permitted when identified as a public need in Lacey's Comprehensive Plan for Outdoor Recreation, and when owned and maintained by the City of Lacey. No net loss of function and value of shoreline resources shall be demonstrated.

9. An existing pier/dock in the ~~natural~~Natural environment designation may be maintained provided it has an identified value to the general public, as identified in Lacey's Comprehensive Plan for Outdoor Recreation, and it is owned and maintained by the City for public benefit.

10. Residential moorage shall include no more than one moorage type (i.e. buoy or pier/dock) per waterfront lot.

11. Prior to approval of a residential pier or dock, the applicant shall document why the use of a mooring buoy or shared moorage are not feasible.

12. Shared moorage proposed for lease to upland property owners shall be reviewed as a marina and shall be subject to requirements for marinas as identified in this SMP. This provision does not apply when the upland property owners share a shoreline open space area with shoreline property owners and shared moorage facilities are provided as outlined in Section 17.55.020 (1).

13. Docks and piers are prohibited on lakes where the distance to the opposite shore is one hundred fifty (150) feet or less. This is to insure the maintenance of navigation.

14. Prior to final project approval of a residential development, a usable area shall be set aside for a community pier or dock unless there is no suitable area.

15. All pier and dock development shall be painted, marked with reflectors or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night.

16. The standards for new or repaired piers or docks in fresh water are as follows:
    A. Pier and dock surface coverage shall not exceed: four hundred and eighty (480) square feet for single user structures, seven hundred (700) square feet for two (2) party joint use, and one thousand (1,000) square feet for residential pier/docks serving three (3) or more residences.
    B. Piers shall not exceed four (4) feet in width and must be fully grated with at least sixty percent (60%) open area.
    C. Ramps shall not exceed three (3) feet in width and must be one hundred percent (100 %) grated.
    D. Docks shall not rest on the fresh water substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the docks floatation is a minimum of one (1) foot above the level of the beach substrate.
    E. Except for docks with floats the bottom of all structures shall be a minimum of one and one half (1.5) feet above the ordinary high water elevation.
    F. The first in-water (nearest shore) set of pilings shall be steel, a maximum of four (4) inches in diameter and at least eighteen (18) feet from the ordinary high water mark. Additional piling shall be spaced a minimum of eighteen (18) feet apart and shall not exceed twelve (12) inches in diameter.
    G. Docks with floats or ells shall be limited to one of the following size options:
        1) Up to six (6) feet wide by twenty (20) feet long with a two (2) foot strip of grating down the center;
        2) Up to six (6) feet wide by twenty six (26) feet long with grating, providing that there is a sixty percent (60%) open area over the entire ell or float; or
        3) A single two (2) feet wide by twenty (20) feet long, with one hundred percent (100 %) grated finger ell.

17. Docks and piers shall be setback from the side property line ten (10) feet on fresh water.

18. The required side yard setbacks may be waived with a shared use moorage facility for two (2) or more property owners. The applicant or proponents shall file with the Thurston County Auditor a legally enforceable joint use agreement or other legal instrument which addresses the following as a condition of permit approval:
    A. Apportionment of construction and maintenance expenses;

B. Maintenance responsibilities for the facility and associated upland area in perpetuity by identified responsible parties;
C. Easements and liability agreements;
D. Use restrictions; and
E. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family moorage.

17.26 Residential Development

For accessory residential development standards, see 17.25 for Docks and Piers, in addition to Articles 4 and 5, Shoreline Ecology and Vegetation Management Standards and Remaining Development Standards, respectively.

Commented [AC37]: Per Ecology comment

17.26~~63~~.025 Residential – Development Standards

1. **Permitted Uses and Activities:** Residential uses/activities and development shall be permitted according to environment designations as outlined in Section 17.24.010~~, Table 3.~~ Residential activity, use, or development shall not result in a net loss of shoreline ecological functions and values and shall follow the mitigation sequence per Section 17.40.015.

Commented [AC38]: Per Ecology comment

2. **Prohibited Uses:** Prohibited residential uses are identified in Table 3. New over water residences are prohibited.

3. **Density:** Residential densities ~~on~~ authorized on lands within shoreline jurisdiction are identified in Section 17.24.015, Table 4.

4. **Housing Form:** Residential housing forms permitted within each shoreline environment designation are outlined in Table 3. A range of housing form options are provided to encourage projects that are compatible with shoreline resources, meet GMA goals for density and provide a quality residential environment.

5. **Clustering:** Compact housing forms that consolidate large areas of open space by reducing individual lot size and clustering units and/or lots shall be encouraged. This provides the opportunity for a design that can achieve a higher level of compatibility with the shoreline environment. This may include condominium, townhome, courtyard cottage or other design forms that accomplish the same objectives.

6. **Design:** Design of residential structures shall incorporate and follow to the extent possible existing, natural topographic contours. Residential development shall be sufficiently setback from the OHWM or otherwise located so that future shoreline stabilization or armoring is not necessary to protect it.

7. **Bulk and Dimensional Standards:** All development within shoreline jurisdiction shall meet setback and vegetation management area requirements as outlined in Section 17.24.015, Table 4, Section 17.41, and all other applicable sections of this SMP. Any modifications to the dimension,

content or vegetation within such areas shall also comply with all policies and standards in this SMP.

8. Setbacks for Porches/Decks/Steps: Uncovered porches, decks or steps attached to principle residential structures may project into the required setback from the OHWM provided all of the following requirements are met:

A. Uncovered porches and decks are limited to an 8-foot-deep encroachment and the structure may be no higher than thirty (30) inches above average grade;

B. Material used for porches shall be pervious and approved as a low impact development material by the City;

C. Uncovered porches and decks that encroach on the OHWM setback shall follow the mitigation sequence, and provide compensatory mitigation for any unavoidable impacts to the vegetation management area by providing vegetation proportionate to the surface area covered by the encroachment elsewhere in the vegetation management area; and

D. The structure does not compromise other goals, policies or standards of this Shoreline Master Program.

9. **Front Yard and Side Yard Setback:** The following is the requirement for front and side yard setbacks:

Front yard setback: 20 feet from the fronting right of way, provided this may be reduced to 10 feet if the garage is recessed behind the front façade of the house. This applies to all urban housing forms.

~~Side yard setback: For detached housing forms, 5 feet or a minimum 10 foot separation. Attached or "zero lot line" developments shall observe side yard setbacks in accordance with the applicable design or development chapter of the Lacey Municipal Code.~~

Commented [AC39]: Per Ecology comment

To accommodate better preservation or protection of shoreline ecological function, an applicant may request a modified front or side yard setback. The unique setback shall be based on a particular development concept and design that is justified for the targeted urban form and shall demonstrate an ability to protect resources and fulfill other purposes of setbacks and structure separation equivalent to standard setbacks. The burden of demonstration will be on the applicant. Approval of any modification is at the discretion of the City.

10. Size and Shape of Single Family Detached Lots:

A. Minimum lot area, seven thousand five hundred (7,500) square feet or as permitted under another development concept such as clustering, as provided in this section of the SMP or in LMC Section 14.23.072, particularly LMC Section 14.23.072 (L).

B. Minimum lot width, fifty (50) feet.

11. Size and Shape of Lots Intended for Attached Single Family Development: Lots intended for attached single family residences shall be reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and the project is reviewed and approved subject to design requirements of LMC Section 14.23.080.

12. Maximum Building Area Coverage: Fifty (50) percent.

13. **Maximum Development Coverage:** Residential lot development coverage standards for lots within shoreline jurisdiction are identified in Section 17.24.015, Table 4.

14. **Maximum Height:** For principle structures, as described in Table 4. The maximum height for a residential accessory building is sixteen (16) feet. An additional two (2) feet in height shall be permitted for any residential structure with a green roof occupying at least fifty percent of the area of the roof, as long as such additional height does not block the view of a substantial number of existing residences.

15. **Accessory buildings:** All accessory buildings shall comply with the setback, critical area buffer and vegetation management area provisions of this SMP; however, if an accessory building is less than two hundred square feet in total size, the following side and front yard setbacks are permitted provided the OHWM setback shall not be reduced:

    A. Front yard, fifteen (15) feet.

    B. Side yard, five (5) feet.

        Accessory buildings shall be constructed in such a manner as to be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use. Such uses shall generally meet the same design requirements of the primary structures and shall result in no net loss of shoreline ecological functions.

16. **Design Review:**

    A. Unique Shoreline Qualities:

        In shoreline areas, emphasis will be placed upon protection and long term management of shoreline resources and public use based on unique opportunities specific sites may provide.

    B. Emphasis for Shoreline Areas:

        1) Specific shoreline emphasis will be for integration of the development with a site's specific unique shoreline features and preservation and respect for the site's natural processes and functions.

        2) Emphasis will include design for a sustainable development that will have minimal impact upon the environment and provide an opportunity for residents to enjoy the shoreline resources.

    C. Residential Development within shoreline jurisdiction shall comply with all applicable standards of LMC 14.23, Design Review.

17. **Views:**

    A. Development in shorelines jurisdiction shall allow views for new residents while maintaining views enjoyed by surrounding residents and the traveling public.

    B. To the extent reasonable objectives of the builder can be achieved, residential development shall be arranged and designed to:
        1) Protect views, vistas and aesthetic values of the shoreline;
        2) Minimize impacts to the character of the shoreline environment;

3) Minimize impacts to the views neighboring property owners enjoy.

18. Public Access: Public access shall be considered, evaluated, required, located, planned, designed, constructed and maintained in accordance with the provisions in Section 17.46 and ~~Appendix 1 of this~~ SMP Public Access Plan.

17.26~~63~~.034 Shoreline Access Incentive Dedication Agreement - Density Credit

1. Density Bonus:

A. With a Shoreline Access Incentive Dedication project implemented under the development agreement process of RCW 36.70B, and provisions of LMC 16.58 and Section 17.46 of this SMP, density credit available for transfer to receiving sites outside of shoreline jurisdiction shall be granted for up to 20 units per gross acre in the Shoreline Residential, Urban Conservancy and Natural designations.

B. To qualify for the density credit, the shoreline project shall include dedication of the 200 foot shoreline jurisdiction area to the public and transfer of the development and density credit to lands outside of the 200 foot shoreline designation and to a receiving area approved by the City. Receiving sites may include lands within the same ownership, a contiguous ownership, or any other site reviewed and approved by the Administrator.

2. Receiving Sites Location and Criteria for Development:

Receiving site(s) shall meet criteria established in LMC 16.58.

3. Wetlands Excluded from Calculations:

Wetlands and lands below the ordinary high water mark shall not be included in calculations of lot area or allowed densities.

17.26~~63~~.038 Environmental Performance Standards for Residential Development

1. Nuisance Characteristics:

Authorized residential uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other uses in the area, or which are of a quality or quantity not normally associated with such a residential use.

2. Dedication of Critical Areas:

Design of land divisions and location of land uses shall protect streams, wetlands, wetland buffers, floodways, channel migration zones, and geologic hazards by locating these features within a separate tract or parcels when land division is proposed. Such areas shall be dedicated to the City of Lacey or held in common by the subdivision landowners as determined by the City pursuant to LMC 14.28.030.

17.26~~63~~.039 Off-Street Parking

Off-street parking standards shall be provided in accordance Chapter 16.72 of the Lacey Municipal Code.

17.26~~63~~.040 Landscaping

Landscaping Required Generally:

Preservation, maintenance and revegetation or landscaping of residential lots or subdivisions shall be required in accordance with all applicable standards of Section 17.41of this SMP and LMC 14.32, LMC 16.12, and LMC 16.80.

17.26~~63~~.045 Stormwater Runoff

1. General Requirement:

All requirements of the Lacey Drainage Manual shall be satisfied.

2. Special Drainage Considerations in a Shoreline Designation:

A. An emphasis shall be placed on low impact development techniques.

B. Infrastructure associated with community stormwater systems shall not be located within shoreline jurisdiction, where feasible. In no case shall community drainage improvements, other than natural landscaping, be placed within a designated setback area and its associated vegetation management area. This does not apply to rain gardens for a single family residence on an individual lot.

C. All applicable requirements of Section 17.70 of this SMP shall be satisfied.

17.27~~5~~ Nonconforming Uses, Lots, and Structures

Commented [AC40]: Move occurred per City direction, Table 5-1 #4

Lacey's SMP has been written with the concern of having a home that is designated as nonconforming in mind. Lacey's strategy simply excludes the footprint of an existing legally established residence located within the shoreline setback from the ordinary high water mark (OHWM) from being labeled as nonconforming, while achieving no net loss of shoreline resources through mitigation as redevelopment or expansion occurs. Such houses will be referred to as "conforming, expansion limited".

17.27~~5~~.005 Nonconforming Concept and Lacey's Use of this Concept in this SMP:

1. **Traditional application of the term nonconforming**:
The terms nonconforming use or nonconforming structure are used in zoning ordinances. Generally in zoning ordinances, a legal nonconforming status indicates a structure or use does not

meet a standard in the current ordinance which has changed and is different from the standard in the ordinance in place at the time the use or structure was legally established.

Because of the public interest, the nonconforming structure or use may be strictly regulated. Dependent upon a jurisdiction's emphasis on gaining compliance over time, regulations can vary from being permissive to very restrictive.

Restrictive treatment might include preventing replacement of a structure or restrictions on any expansion. However, generally a balanced approach is taken weighing the public interest with the fair treatment of structures and uses legally established prior to the code requirement.

2. **Concern with implications**:
Because of possible adverse implications a designation of "nonconforming" could have on a home, the City of Lacey has chosen not to create a situation where existing, legally established single family homes are labeled nonconforming as a result of new setbacks from the OHWM in this SMP. As discussed under 17.27.000, legally established single-family homes will be "conforming, expansion limited".

At the same time, the City has determined the new setbacks and associated vegetation management areas and retention standards are necessary to achieve protection of shoreline resources and functions such as water quality.

3. ~~**Lacey's approach for setbacks and related vegetation management areas for existing, legally established residential houses:**~~ **conforming, expansion limited residences – Setbacks and vegetation management areas:**

   A. **Standard**: When establishing the setback from the OHWM on a waterfront lot for purposes of administering this SMP, the City will "draw" the setback and the associated vegetation management area around the footprint of any single family residential house that falls within the new OHWM setback and vegetation management area. In such cases, the setback and vegetation management area will wrap around the existing house in a configuration that excludes the footprint of the residence from the OHWM setback and vegetation management area. This will provide for a setback and vegetation management area surrounding the house and a 10-foot building setback boundary line for maintenance use only, but will exclude the footprint of the existing residence from being labeled as nonconforming because of its location within such area.

   ~~**B. Policy**: An existing, legally established home where the setback and vegetation management area wrap around its perimeter, as outlined above, will be considered conforming to the OHWM setback standards in this SMP. Because of its location in relationship to the setback from the OHWM which surrounds it, such houses will be referred to as "conforming, expansion limited".~~

4. **Maintaining conforming status with an approved expansion**:

   A. **Standard**: A proposal for enlargement or expansion of a residence that is designated "conforming, expansion limited" will be considered in the same way as a proposal for expansion of a structure that is designated nonconforming. Both should meet applicable requirements of this SMP for avoidance, minimization, and mitigation of impacts and no net loss of shoreline function and value.

   B. **Standard**: If expansion of a "conforming, expansion limited" house can be accommodated pursuant to the policies and standards of Sections 17.2~~7~~5.015 and 17.2~~7~~5.020, upon approval of the expansion the setback line and vegetation management area may be redrawn around

Commented [AC41]: Table 5-1 #4

Commented [AC42]: Table 5-1 #4

the new footprint of the expanded structure to maintain the residence's status as "conforming, expansion limited".

5. **Nonconforming accessory structures:~~term used for other structures:~~**

~~**Policy**~~**Standard**: The term nonconforming will be applied to accessory residential structures, such as garages, storage sheds, decks and similar structures not used as the principle living area where such structures are located within the setback and/or vegetation management area.

6. **General provisions**:

~~a.~~**A.** ~~**Policy**~~**Standard**: Uses, lots, or structures within shoreline jurisdiction that were legally established prior to Lacey's update of this SMP on October 13, 2011, which do not meet the specific standards of this Master Program, are subject to the provisions of Section 17.2~~75~~.

B. **Standard**~~**Policy**~~: Subject to the provisions of this program, a nonconforming use, lot, or structure lawfully existing prior to the effective date of this program, October 13, 2011 or any amendment thereto, which is rendered nonconforming or "conforming, expansion limited" by adoption of the Program or an amendment, may continue as is and in the manner and to the extent that it existed upon the effective date of the Program or amendment, respectively.

17.2~~7~~75.010 Continuance - Contiguous Lots

~~**Policy**~~**Standard**: When a nonconforming lot is contiguous to another lot and both lots have the same owner, the contiguous lots are deemed a single, undivided lot for purposes of this Program unless:

1. Each lot has a dwelling;
2. The purchase of an adjacent lot is subsequent to the adoption of this Program (i.e., May 21, 1976); or
3. Pursuant to RCW 58.17.170, one or more of the lots is a platted lot, and less than five (5) years has lapsed since the final plat in which either of the lots is located was filed for record.

17.2~~7~~75.015 Alterations and Expansions of Nonconforming or "Conforming, Expansion Limited" Residential Structures

1. **General ~~Policies~~Standards:**

~~**A. Policy:** Expansion of all residential structures should meet requirements and standards of the environment designation in which they are located, including setbacks from the OHWM.~~

~~2. **Policy:** Proposals for expansion of a non-conforming structure, or a structure designated "conforming, expansion limited", should include consideration of the potential for loss of ecological function.~~

~~3. **Policy:** Expansion of a nonconforming structure or "conforming, limited expansion" structure should meet the test of no increase in nonconformance. No increase in nonconformance~~

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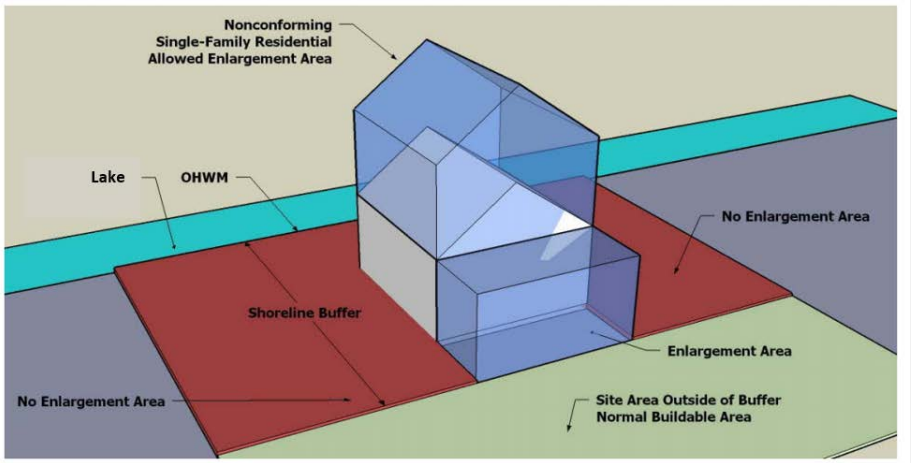
~~means an action will not increase an aspect of the structure that resulted in it being designated nonconforming or "conforming, expansion limited" and that it does not materially interfere or jeopardize further the public interest.~~

A. ~~Policy~~Standard: Vertical expansions (within permissible height restrictions)~~, expansion to the side (within permissible side yard restrictions),~~ or expansion away from the OHWM will generally not be considered an increase in nonconformity. However, expansions vertically or to the side in areas that overlap the OHWM setback or vegetation management area may be considered an increase in nonconformance. Expansion requests of this type should comply with mitigation sequencing and minimize impacts to views and view corridors. See graphic below.

Commented [AC46]: Per Ecology comment



~~4.~~

~~5. **Policy:** Dependent upon impacts identified and appropriate use of the mitigation sequence, expansion of a nonconforming structure or a structure designated "conforming, expansion limited" may be able to expand without increasing overall impact to shoreline resources and result in no net loss of ecological functions.~~

~~6. **Policy:** Landscaping standards of this SMP should be used to help implement the community's expectations for protection of Lacey's natural aesthetic qualities and capitalize on the benefits trees and native vegetation provide as identified in Lacey's Urban Forest Management Plan.~~

~~7.~~B. ~~Policy~~Standard: Expansion of a structure within the OHWM setback area or vegetation management area will require a vegetation management and mitigation plan to ensure all unavoidable impacts are mitigated for and that no net loss of shoreline ecological function occurs.

Commented [AC47]: Table 4-1 #1

2. Mitigation Standards:

~~1.~~A. Standard: Requests for expansion of a nonconforming structure or "conforming, expansion limited" residential structure shall utilize the mitigation sequence and mitigation strategies set forth in this SMP to satisfy no net loss requirements.

~~2.~~**B.** **Standard**: Expansions of nonconforming or "conforming, expansion limited" structures within the vegetation management area shall provide compensatory mitigation in accordance with the thresholds outlined in Section 17.41.021~~, Table 1~~.

C. **Standard**: If expansion of a nonconforming structure or "conforming, expansion limited" structure will result in better management of shoreline resources expansion shall be approved.

D. **Standard~~:~~**: If impacts cannot be mitigated or the proposal cannot demonstrate protection and/or the maintenance of ecological function of shoreline resources expansion may be denied.

3. **Expansion of any structure for a nonconforming use prohibited**:

A. **Standard:** ~~**Policy:**~~ Expansions of a structure into the OHWM setback is prohibited when the expansion is to accommodate a nonconforming use. However, when expansion of a structure involves encroachment into setbacks other than the setback from the OHWM, said expansion may be permitted pursuant to other requirements of this SMP.

Commented [AC48]: Table 5-1 #4

4. **Permit requirements for expansion of a nonconforming structure or a structure designated "conforming, expansion limited"**:

A. **Standard**: Expansion of a nonconforming structure or a structure designated "conforming, expansion limited" where such expansion is proposed to further encroach on the OHWM setback by decreasing the distance between the structure and the OHWM, shall require a variance under Section 17.30.020. This does not apply to expansions ~~to the side or~~ vertically, consistent with the height restrictions, or to the rear of the structure within the setback/vegetation management area.

Commented [AC49]: Per Ecology comment

B. **Standard**: Expansion of a nonconforming structure or a structure designated "conforming, expansion limited", where such expansion does not further encroach into the OHWM setback or vegetation management area by decreasing the distance between it and the OHWM, shall follow permit process requirements outlined in Section 17.30~~ and Table 3~~.

17.2~~7~~5.025 Expansions of Nonconforming Uses

Standard: The expansion of a nonconforming use shall be prohibited. An intensification of use is permitted when the intensified use is contained within the existing structure, or area which has been in use, and is not different in kind from the existing nonconforming use. Refer to Section 17.47 for policies and standards relating to expansion of a pre-existing approved use as defined in this SMP.

17.2~~7~~5.030 Relocation of Nonconforming or "Conforming, Expansion Limited" Structure

1. **Standard**: When a nonconforming structure or a structure designated "conforming, expansion limited" is moved, the new location should decrease the nonconformance or increase the setback from the OHWM and not result in an impact on shoreline functions and values. In circumstances where compliance with the OHWM setback is not possible or would result in extraordinary hardship, the Administrator may allow the structure up to 200 square feet to be moved to a new location within the setback area.

2. **Standard**: A nonconforming or "conforming, expansion limited" structure shall be brought into compliance with the Shoreline Master Program when it is moved. The decision to allow such a structure to be relocated to another location within the setback area shall be at the sole discretion of the Administrator, through application of the mitigation sequence.

3. **Standard**: The process for reviewing relocation of a nonconforming structure or "conforming, expansion limited" structure to another location within the setback area shall be a conditional use permit.

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17.2~~7~~5.035 Resumption of Discontinued or Abandoned Nonconforming Use

Standard: A nonconforming use, when abandoned or discontinued, shall not be resumed. Discontinuance or abandonment is presumed to occur when land or a structure is not used for a particular use for eighteen (18) consecutive months pursuant to Lacey's nonconforming use provisions in LMC 16.93.030. Any person may appeal the Administrator's determination that discontinuance or abandonment has occurred pursuant to the requirements of LMC 2.30 and Chapter One of the Development Guidelines and Public Works Standards.

17.2~~7~~5.040 Development of a Nonconforming Lot

~~**Policy**~~**Standard**: When the shape or size of an existing, legally created lot would prevent development consistent with the applicable bulk or dimensional requirements in this SMP, the Administrator may authorize development under the following conditions:

Commented [AC51]: Table 5-1 #4

A. A written request is received from the project proponent;

B. The development will be located as far landward as possible from the ordinary high-water mark;

C. The decision of the Administrator is based upon the shoreline variance criteria found in Section 17.30.020.

17.2~~7~~5.045 Notification for Development of a Nonconforming Lot

1. **Standard**: Upon receiving a written request, the Administrator shall mail notice of the request to all property owners within three hundred (300) feet. At a minimum, the notice shall state the following:

~~1.~~A. The decision on the request will be made within ten days from the date that the notice was mailed; and

~~2.~~B. Interested citizens may contact the Shoreline Administrator for further information and to learn the Administrator's decision.

2. **Standard**: Appeal of the Administrator's decision shall be made in accordance with the procedures of appeal established in LMC 2.30 and Chapter One of the Development Guidelines and Public Works Standards.

17.2~~7~~5.050 Reconstruction of a Nonconforming Structure

1. **Standard**: In the event that a nonconforming structure is destroyed by fire, explosion, natural catastrophe, or act of public enemy, nothing in this Program shall prevent the reconstruction of that or a more conforming structure provided a building permit must be obtained for reconstruction within one (1) year after the destruction and timely progress towards completion of the reconstruction must be demonstrated.

2. **Standard**: If progress towards completion is not demonstrated the building permit shall expire without an opportunity for renewal.

17.2~~7~~5.055 Conversion of a Nonconforming Use

Standard: A nonconforming use may not be converted to a prohibited use.

Article 3. Permits

~~1.~~ 17.30 Shoreline Permits

1. Shoreline permits and exemptions shall be processed according to the procedures described in Chapter I of the City Development Guidelines and Public Works Standards.

2. The City shall follow shoreline permit filing procedures are outlined in WAC 173-27-130 or as amended. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances must be mailed simultaneously with any Substantial Development Permits for the project.

~~1.~~3. WAC 173-27-044 lists developments otherwise not required to obtain shoreline permits or local reviews. WAC 173-27-045 lists developments not subject to the Shoreline Management Act.

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17.30.010 Substantial Development Permit Criteria

1. A shoreline substantial development permit shall be required for all proposed uses and developments of shorelines unless the proposal is specifically exempted by Section 17.30.030.

2. In order to be approved, the City of Lacey shall find that the proposal is consistent with the following criteria:

   A. All regulations of this program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance under Section 17.30.020;

   B. All general goals and policies of this program, and goals, policies and standards specific to the appropriate shoreline environment designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated.

3. Consideration shall be given to the cumulative environmental impact of additional requests for like actions in the shoreline vicinity. For example, if shoreline substantial development permits were granted for other developments in the area where similar circumstances exist, the sum of the permitted actions should also remain consistent with the policy of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions and processes or other users.

4. The City of Lacey is the final authority for a Shoreline Substantial Development Permit, unless there is an appeal filed with the State Shoreline Hearing Board.

17.30.015 Shoreline Conditional Use Permit

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, the City or Department may attach special conditions to the permit to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the local master program.

1. Uses which are classified or set forth in the City of Lacey's Shoreline Master Program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

    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 Land Use Plan and Shoreline 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 Lacey's Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section, and the requirements for conditional uses contained in the Shoreline Master Program, and the intent of provisions of the Comprehensive Land Use Plan.

4. Uses which are specifically prohibited by the Shoreline Master Program may not be authorized.

17.30.020 Shoreline Variance Permit

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

1. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM) and/or landward of any wetland as defined in this Master Program 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 Lacey's Master Program precludes or significantly interferes with reasonable use of the property;

B. That the hardship described in (A.) of this subsection 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 authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline 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; and

F. That the public interest will suffer no substantial detrimental effect.

3. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM) or within any wetland as defined in this Master Program 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 Lacey's Master Program precludes all reasonable use of the property;

B. That the proposal is consistent with the criteria established under Section 17.20.030. 2 A-F; and

C. That the public rights of navigation and use of the shorelines will not be adversely affected.

4. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area, for example, if variances were granted to other developments 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 Shoreline Master Program are prohibited.

6. Water-oriented and water-related uses may be located within the required shoreline setback and vegetation management area without a shoreline variance, provided other required permits are obtained and the mitigation sequence is followed. Uses that may locate within the setback and vegetation management area without a variance include the following:

~~1.~~A. Boating facilities accessory to a single-family residential development including piers, docks, buoys and floats;

~~2.~~B. Pedestrian beach access structures including stairs, except~~with the exception of~~ stair towers; and,

~~3.~~C. Public access trails and paths and structures for public access including but not limited to stairways, piers, docks, or floats.

17.30.025 Washington State Department of Transportation Procedures

Commented [LW54]: Table 2-1 2015a

1. Permit review time for projects on a state highway:

   ~~a.~~A. Pursuant to RCW 47.01.485, the Legislature established 90-day expedited review for local governments.

   B. Optional process allowing construction to commence twenty-one days after the date of filing. Pursuant to RCW 90.58.140, WSDOT projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no let loss of ecological shoreline functions.

17.30.030 Shoreline Exemption Criteria

1. An exemption from the substantial development permit process is not an exemption from compliance with the Act or this Program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and regulatory provisions of this Program and the Act. A statement of exemption shall be obtained for exempt activities.

2. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

3. The burden of proof that a development or use is exempt is on the applicant or proponent.

4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

5. A development or use that is listed as a conditional use pursuant to this Program or is an unlisted use must obtain a shoreline conditional use permit even if the development or use does not require a shoreline substantial development permit.

6. When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of the Program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.

7. All permits or statements of exemption issued for development or use within the shoreline jurisdiction shall include written findings prepared by the Administrator, including compliance with bulk, dimensional standards and policies and regulations of this Master Program. The Administrator may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the Program.

17.30.035 Shoreline Exemptions Listed

Commented [LW55]: Table 5-1 #1

Certain developments are exempt from the requirement to obtain a Substantial Development Permit. Such developments still may require a Shoreline Variance or Conditional Use Permit, and all development within the shoreline is subject to the requirements of this Shoreline Program, regardless of whether a Substantial Development Permit is required. Developments which are exempt from the requirement for a Substantial Development Permit are identified in WAC 173-27-040, RCW 90.58.030(3)(e), RCW 90.58.147 and RCW 90.58.515.

~~The following shall be considered exempt from the requirement to obtain a shoreline substantial development permit.~~

~~1. Any development of which the total cost or fair market value is less than five thousand seven hundred and eighteen dollars ($5,718) ,and does not materially interfere with the normal public use of the water or shorelines of the state. 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 of all items in the Seattle, Washington area for urban and clerical workers, 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 month before the new dollar threshold is to take effect.~~

~~2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements; see also section defining "normal" maintenance and repair and permit requirements for maintenance that does not qualify under this exemption.~~

~~3. Construction of the normal protective bulkhead common to single family residences.~~

~~4. Emergency construction necessary to protect property from damage by the elements.~~

~~5. Construction or modification of navigational aids such as channel markers and anchor buoys.~~

~~6. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family. The residence must not exceed a height of thirty five feet above average grade level, and meet all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.~~

7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

Commented [LW56]: Table 2 2019a

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

9. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

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

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

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

2. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

3. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

4. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the City of Lacey local jurisdiction to ensure that the site is restored to preexisting conditions; and

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

1. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that

are recommended by a final environmental impact statement published by the Department of Agriculture or the Department jointly with other state agencies under RCW 43.21C.

2.

3.

1.

17.30.040 Letter of Exemption from Substantial Development Permit Process

A The proponent of a project that qualifies for an exemption must obtain confirmation in writing that it conforms to the master programShoreline Master Program and to state law. If it complies with shoreline regulationsonforms, an- exemption letter of exemption will be issued stating that there are no further shoreline permits to obtain,is issued by the Administrator and may be subject to conditionscontain conditions which the proponent must meet. Letters of exemptions for projects requiring federal permits shall be issued consistent with WAC 173-27-050.

17.30.045 Unclassified Uses

This program does not attempt to identify or foresee all conceivable shoreline uses or types of development. When a use or development is proposed which is not readily classified within anand not identified or defined as a type of existing use in the master program or development category, a it shall require a conditional use permit shall apply. During processing of the application, Tthe Administrator and/or Hearing Examiner will shall identify and apply those program policies and regulations, most closely related to which will best promote the policies of the Shoreline Management Act and the Shoreline Master Program, with special reference to the subject environmental designation. the policies of the environmental designation in which the use will be located. In addition, general goals, policies and standards shall also apply.

17.30.047 Maintenance and Repair Activities - Exemption Threshold and Activity Not Exempted

1. Normal maintenance and repairs to an existing shoreline modification (see description of modification in Section 17.45.000), shall be exempt from acquiring a substantial development permit in accordance with Section 17.30.035 if such repair and maintenance activities are valued at less than 50% of the replacement value of the structure or modification.

2. Where the value of repair of an existing modification is equal to or exceeds 50% of the replacement value, it shall be considered a replacement and a conditional use permit shall be required.

Commented [LW57]: Table 2-1 2007c

Commented [LW58]: Condensed

Commented [AC59]: Per Ecology comment

Commented [LW60]: Clarified and condensed.

3. When a conditional use permit is required for replacement and the existing modification does not meet standards in this SMP and may be having an adverse impact on shoreline functions and values, review shall include consideration of, and preference for, other more ecologically sound practices that can achieve the same function.

4. Placement of a modification or replacement of an existing modification designed for stabilization must be designed for protection or stabilization of a residence(s) that is in danger from active erosion. Such modification may be permitted through a conditional use permit, if it is demonstrated by a qualified geotechnical engineer, that it is the only feasible way to protect the residence(s), and such modification will not result in a net loss of ecological function or otherwise conflict with the public's interest.

5. Where it is demonstrated that replacement of a modification is necessary for the maintenance of shoreline ecological functions and is in the public interest, such activity may be exempt from permit requirements as determined by the administrator if such replacement does not exceed the exemption threshold for a Substantial Development Permit pursuant to Section 17.30.035 ~~(7)~~.

Commented [AC61]: Table 5-1 #1

17.30.050 Inspections

Pursuant to RCW 90.58.200, the Administrator or his authorized representative(s) of that local government may enter land or structures to enforce the provisions of this program. Entry shall be at reasonable times. If the land or structures are occupied, the Administrator shall first present proper credentials and request entry; and if the land or structures are unoccupied, the Administrator shall first make a reasonable effort to locate the owner, or other person having control of the property, and request entry.

17.30.055 Penalties and Enforcement

The Shoreline Management Act imposes significant penalties for violation of the act, regulations and master programs. Enforcement action by the City of Lacey or Department of Ecology under LMC 14.17, LMC 16.102, and WAC 173-27-040 through 173-27-990, may be taken whenever a person has violated any provision of the SMA or City SMP provision. A violation constitutes a gross misdemeanor, which is punishable by fine or imprisonment (RCW 90.58.220). In addition to the criminal penalty, the Act imposes liability on any person violating the act or conditions of a permit for all damage to public or private property arising from the violation. Furthermore, the violator may have to restore an area affected by a violation, and pay the entire cost of restoration, including attorney's fees and court costs (RCW 90.58.230). There may also be civil penalties that apply (RCW 90.25.210). Any nonconformance that was illegal when initiated must immediately be brought into conformance with this chapter. The City may, using the provisions of Chapter 173-27 WAC, abate any nonconformance that was illegal when initiated.

Commented [AC62]: Table 5-1 # 8.

17.35 Relationship to Other Land Use Regulations

17.35.005 Local Permits, Approvals and Shoreline ~~Exemptions~~Authorizations

Commented [AC63]: Per Ecology comment

1. **Activities requiring Shoreline Permits** - In the case of development subject to the shoreline permit requirement of this program, the Administrator shall not issue a building permit for such development until a shoreline permit has been granted. Also, any permit issued by the Administrator for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

2. **Activities exempt from shoreline permit requirements** - In the case of development subject to regulations of this program but exempt from the shoreline substantial development permit requirement, any required statement of exemption shall be obtained prior to issuance of the building permit or applicable approval. For single family residences, a building permit reviewed and signed off by the Administrator and including any conditions, may substitute for a written statement of exemption.

3. **Developments not required to obtain shoreline permits or reviews.** Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, Shoreline Exemption, or other review to implement the Shoreline Management Act do not apply to projects listed under WAC 173-27-044 and -045, as amended, including, but not limited to the following:

Commented [LW64]: Table 2-1-2017c; **model Ecology language**

   A. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

   B. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

   C. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.

   D. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

   E. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

4. **All land use planning permits** - The City shall use a "shoreline zoning overlay" designation to integrate the Shoreline Master Program map and all master program standards ~~of the Shoreline Master Program with the~~with the Lacey zoning code and map. This overlay ~~zoning will provide the~~provides the basis for review and application of standards ~~and conditions~~ for all ~~of the City's~~ land use planning processes and permits. For all ~~planning~~ shoreline permits and exemptions ~~and approvals~~ the Administrator may apply ~~shall attach~~ conditions and mitigation measures reasonably necessary to eliminate or minimize any undesirable effects of granting approval. Conditions that are included become a part of the decision. ~~as necessary to~~

~~ensure that the design, development, functionality and use is consistent with the goals, policies, standards and intent of this program.~~

Commented [LW65]: Section revised for clarity

17.35.010 Compliance with Existing Development Regulations

Use and development within shoreline jurisdiction shall comply with City development standards, and applicable state and federal regulations, provided they do not conflict with the shoreline goals, shoreline policies, and development regulations of this program. In the case of conflicts between specific standards and regulations the most restrictive shall usually apply and goals and policies of the Shoreline Management Act and this Master Program shall always guide interpretation of the most appropriate standard to apply.

17.35.020 Critical Areas Regulations within Shoreline Jurisdiction

1. Adoption of Critical Area ordinances of LMC Chapter 14, with exceptions:

The City of Lacey Critical Area Ordinances, in Title 14 of the Lacey Municipal Code, shall be adopted as a part of this SMP as set forth in 17.10.020, with a few exceptions. The intent of referencing and use of critical area legislation is to provide the best protection for these resources. It is also the intent of this SMP, to apply a consistent and efficient consolidated process for review and action on proposals involving these resources. To these purposes, the critical area ordinances are adopted as part of the SMP with the following exceptions:

Commented [AC66]: Per Ecology comment

A. **Exceptions of certain provisions in conflict with the intent of the SMP.**

Where there are provisions in chapter 14 that are less restrictive than the SMP, those provisions will not be applied. However, where there are provisions that are more restrictive than the SMP, they will generally be applied, except as provided for in this section of the SMP (17.35). The intent is to ensure the provision providing the most protection is always applied. To this purpose, the following provisions within Chapter 14 shall not apply to proposals involving critical areas that are within shoreline jurisdiction:

1) "Exempt uses and activities" or "exceptions" or "exemptions" – LMC 14.28.140, LMC 14.33.080, and LMC 14.37.080. The only "exemptions" allowed within shoreline jurisdiction are those listed as being exempt from a shoreline substantial development permit.
2) "Administratively authorized uses and activities" or "allowed activities" - Any activity which is not exempt within shoreline jurisdiction will require a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance.
3) "Reduction of standard wetland buffer zone width" ~~– LMC 14.28.300~~. Reduction of the standard wetland buffer width within shoreline jurisdiction may be permitted in accordance with subsection (C) below. When outside the ~~shoreline residential~~Shoreline Residential designation, reductions may be permitted in accordance with the provisions outlined in LMC 14.28.3100~~, when not used in combination with provisions for~~ buffer averaging. Further reductions will require a shoreline variance.

Commented [VZK(67]: This has been repealed so an update is needed here to this provision. Maybe delete this entirely and combine with the applicable provisions of #5 "Standard buffer width averaging"

Commented [DN68R67]: Suggested edit

4) "Administrative variances" - Administrative variances, being variances authorized by the administrator without the use of a shoreline variance, are prohibited within shoreline jurisdiction.
5) "Standard buffer width averaging" – LMC 14.28.310, LMC 14.33.116 G (3) and LMC 14.33.117 D (4). Wetland buffer averaging within shoreline jurisdiction is allowed ~~not permitted when used in combination with buffer reduction~~. If averaging is permitted, the buffer width shall not be reduced by more than 25% of the standard buffer or~~f~~ be less than 35 feet in any location; further averaging will require a shoreline variance. In the case of an associated wetland, the edge of the wetland is the edge of the shoreline jurisdiction. Habitat buffers for both riparian and non-riparian habitats may be averaged if such averaging does not result in a buffer width of less than 75% of the recommended buffer width. Averaging may not be used in combination with reductions. Further averaging will require a shoreline variance.
6) "Reduction to wetland replacement ratios" – LMC 14.28.445 (B) and 14.28.450 D (2). A reduction of the wetland replacement ratio within shoreline jurisdiction will require a shoreline variance.
7) "Reasonable use exception" – LMC 14.28.350 (E). Within a shoreline jurisdiction, a shoreline conditional use permit and/or shoreline variance will serve as a reasonable use exception review. The Administrator shall determine whether a CUP or variance is required depending upon the proposed activity and purpose for which relief is sought; see Sections 17.30.015-17.30.020 of the SMP.
8) ~~Determination of a Wetland Boundary – LMC 14.28.090. Within shoreline jurisdiction, identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. See WAC 173-22-035.~~
~~9)~~ "Building Setback Lines" – Within shoreline jurisdiction, the requirement to locate the setback line a distance that corresponds to the required yard area setback for the underlying zone from the edge of a wetland buffer (LMC 14.28.340) or designated priority habitat or species buffer (LMC 14.33.190) shall not apply.

B. Exception of certain provisions related to permit process and timing:
Permit processes: Where processes or timelines identified in the SMP conflict with critical area ~~permit processes or~~ timelines in LMC Chapter 14, the requirements of the SMP, in addition to Article 3, Permits, shall apply. Specific permits used to review and condition proposals within chapter 14 of the LMC shall be dovetailed with the underlying SMP permit or approval. The underlying permit, process and timeline used in the SMP shall be utilized.

C. Exception related to buffer widths for freshwater critical areas in the Shoreline residential zone: Within the ~~shoreline residential~~Shoreline Residential environment designation, buffers for freshwater critical areas along lake front platted lots may be reduced to match setbacks from the OHWM as identified for the most intensive use expected for the property as illustrated in Section 17.24.015, Table 4.

2. Standards of critical area ordinances and ~~principals~~ principles and requirements of the SMP:

A. All standards and provisions of the critical area ordinances, relative to performance standards and protection of critical areas and resources are considered a fundamental requirement.

B. No net loss of ecological function and value and mitigation sequencing are the baseline criteria for permit and exemption actions.

3. Critical Area Principles

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Commented [AC70]: Per Ecology comment

Commented [AC71]: Per Ecology comment

Principles: The following principles are embodied within Lacey's Critical Area Ordinances, but are not so stated in relationship to shoreline management areas. These principals are stated here for clarity of purpose in application in shoreline jurisdiction under this SMP:

~~1.~~1) Planning Objectives: The planning objective for critical areas in shoreline jurisdiction is the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes.

~~2.~~2) Regulatory provisions: The regulatory provisions for critical areas are intended to protect existing ecological functions and ecosystem-wide processes.

~~3.~~3) Protection, use and enjoyment: An underlying intent is to promote human uses and values that are compatible with the other objectives of the Shoreline Management Act and this Shoreline Master Program, such as public access and aesthetic values, provided they do not significantly adversely impact critical areas and shoreline ecological functions.

17.35.030 Critical Saltwater Habitat and Marine Riparian Habitat

1. **Location and type**: The marine shoreline in Lacey runs generally from the Butterball Cove area to Mallard Cove. The shorelands are adjacent to aquatic areas that are designated as critical saltwater habitat, which includes pocket estuaries, eelgrass beds, forage fish spawning habitat and feeder bluffs~~; see Map L14 in the inventory~~.

2. **Shoreline Designation**: With the exception of the area where an existing marina is located in Mallard Cove, area landward of the OHWM and associated wetlands and pocket estuaries have been designated as Natural. Areas immediately surrounding the marina are designated U~~u~~rban C~~c~~onservancy. Areas water~~-~~ward of the OHWM are designated A~~a~~quatic~~; see Appendix 6~~.

3. **Land Use**: The majority of this area is in the Hawks Prairie Planned Community. Conditions for the planned community restrict development and preserve the area for enjoyment as passive open space. Trails provide visual and physical access to the beach. The trail is owned by the Planned Community's homeowners association, but historically this access has also been used by the general public.

   The existing marina in Mallard Cove is private and belongs to the Beachcrest Community. The Beachcrest subdivision is located in Thurston County, but a portion of the Marina falls within the Hawks Prairie Planned Community and within the City of Lacey.

~~17.35.031 Goals and Policies for Protection of Marine Riparian Habitat~~

Commented [AC72]: Table 4-1 #1

~~1. Goal: Protect Lacey's marine riparian habitat areas and achieve no net loss of ecological functions or values in these areas.~~

A. Policy: Utilize best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans, as provided for in LMC 14.33 and incorporated into this SMP, for activities in marine riparian habitat areas.

B. Policy: Utilize standards in Lacey's critical areas ordinances and tree and vegetation protection legislation, as appropriate, to protect marine riparian areas and achieve no net loss objectives of this SMP.

C. Policy: Utilize the recommendations and "general conclusions" of the white paper "Protection Of Marine Riparian Functions In Puget Sound, Washington" prepared by the State's Aquatic Habitat Guidelines (AHG) Program when considering the importance of marine riparian areas and reviewing proposed uses and activities in these areas, including:

1) "General conclusions" identified in Section VI of the report

2) "Overarching" recommendations identified in Section VI of the report

3) "Impact specific" recommendations identified in Section VI of the report.

D. Policy: Adopt the "general conclusions" in Section IV of the AHG white paper as findings in regard to the importance of marine riparian areas. These conclusions should be considered when designing projects and developing management strategies for activities proposed within marine riparian areas.

1. **Riparian areas perform important hydrologic, geomorphic, and biological functions. These areas encompass complex above- and below-ground habitats created by the convergence of biophysical processes in the transition zone between aquatic and terrestrial ecosystems.**

2. **Riparian areas cannot be thought of in isolation from associated water bodies. The characteristic geomorphology, plant communities, and associated aquatic and wildlife species of riparian and marine systems are intrinsically linked.**

3. **Natural riparian systems have adapted to specific disturbance regimes. Managing riparian areas without regard to their dynamic patterns and influences of adjacent water bodies ignores a fundamental aspect of how these systems function.**

4. **Riparian areas, in proportion to their area within a watershed, perform more biologically productive functions than do uplands. Riparian areas provide a wide range of functions, such as**

microclimate modification and shade, bank stabilization and modification of sediment processes, contributions of organic matter and large wood to aquatic systems, nutrient retention and cycling, wildlife habitat, and general food web support for a wide range of aquatic and terrestrial organisms.

5. Riparian areas are effective in filtering and transforming materials (such as dissolved and particulate nonpoint source pollutants) from hill slope runoff.

6. Because riparian areas are located at the convergence of terrestrial and aquatic ecosystems, they are regional hot spots of biodiversity and often exhibit high rates of biological productivity in marked contrast to the larger landscape.

7. During the last decade, a patchwork of federal, state, and local laws and programs has come to acknowledge the importance of riparian areas and to require or encourage special management to restore or protect their essential functions, although the degree of protection, the focus, and the spatial coverage of these laws and programs are highly variable among federal, state, and local levels.

1. Policy: Adopt the "overarching recommendations" in Section IV of the AHG white paper as management strategies for marine riparian

areas. These strategies should be considered in the design and management of all projects proposed within marine riparian areas.

1. Protect marine riparian soils and vegetation – prevent damage to native riparian soils and vegetation, including clearing and grading, compaction, covering (paving) and removal.

2. Restore damaged marine riparian habitat – restore vegetation, soil characteristics.

3. Account for scale issues (temporal and spatial) when evaluating riparian conditions, current functions and potential for future functions, and cumulative effects of alterations. The dynamic nature and connectivity of riparian areas and linkages between riparian and aquatic systems operate at multiple scales.

4. Exclude all major sources of contamination from the riparian buffer, including construction, impervious surfaces, mining, septic system drain fields, agricultural activity, clear cutting and application of pesticides and herbicides.

5. Manage riparian areas for the long-term. For many sites, substantial time, on the order of years to decades, will be required for vegetation to become fully functional.

17.35.032 Standards for Protection of Marine Riparian Habitat

1. **Standard: The following "Recommendations to Avoid or Minimize Specific Impacts" from the AHG white paper, as modified, shall be incorporated into the design and management of all projects within marine riparian areas. Compliance with these standards shall be detailed within a habitat management plan. If one of the provisions below is less restrictive than another applicable provision in Lacey's critical area regulations and in this SMP, the most restrictive and protective shall apply:**

   A. Vegetation removal on shorelines and bluffs shall be avoided to the maximum extent possible. If vegetation must be removed, the area and amount removed shall be minimized and located as far landward of the ordinary high water mark as possible. Ground disturbance, removal of mature trees, and introduction of nonnative vegetation, especially invasive species such as English Ivy, shall be minimized.

   B. Impervious surfaces shall not be located in marine riparian areas. If impervious surfaces must be located within or adjacent to marine riparian areas, the footprint shall be minimized and impacts shall be mitigated through techniques such as the use of pervious surfaces like pervious pavers and concrete, bioretention facilities such as rain gardens, green roofs, cisterns, etc. Pollutant loading shall be minimized. Bioretention and other facilities that infiltrate water, if located along slopes and bluffs, shall be designed so as to not increase the likelihood of mass failures or erosion.

   C. Shoreline modification shall be avoided to the maximum extent possible. Existing native vegetation shall be maintained, particularly at and near the land-water interface. If shoreline alterations must occur they shall be done in a way that minimizes potential negative impacts to natural functions and shall use the least intrusive methods including bioengineering or relocating structures where feasible and practicable. All adverse impacts shall be fully mitigated.

   D. Invasive plant species shall be removed from marine riparian areas. Purple Loosestrife, Himalayan blackberry, English Ivy and other invasive plants compete with native species, particularly in disturbed sites along marine bluffs and shorelines.

   E. As appropriate through the mitigation sequence, restore and replant marine riparian areas with native vegetation to improve the connectivity between upland and marine riparian habitat and to restore functions that benefit the nearshore and beach ecosystems. Replanted marine riparian areas shall be properly maintained so as to guarantee plant survival.

   F. Buildings shall be discouraged within the riparian buffers. If authorized through the appropriate permitting process contained in this SMP, the footprint and site disturbance of structures shall be minimized and structures shall be located as far landward of the water's edge areas as possible.

   G. Septic systems and new waste water systems are prohibited in marine riparian areas. Existing systems within the drainage basin that could impact the riparian area shall be maintained, and operated in such a way that human waste and nutrients are prevented from leaching into local water bodies.

   H. Disturbance to native vegetation shall be avoided in marine riparian areas, especially near the water's edge, with the goal of maintaining vegetation communities that are resilient to

Commented [DN73]: This is referenced here but spelled out in the policies above. As part of the regulations, I'm not too sure it is needed as reference material here. Consider removal.

disturbance from surrounding land uses and able to regenerate with minimal human intervention. Nutrients, pathogens, toxics, and fine sediments associated with land-use practices shall be prevented from entering marine water bodies.

I. Salvage or removal of downed trees, LWD or snags in riparian areas and on beaches shall be avoided. All efforts shall be made to maintain complex, multi-aged riparian forest cover and wide buffers to allow natural recruitment of LWD over long time frames.

J. Mitigation sequencing of Section 17.40.015 shall be utilized for all activities in marine riparian buffers. Impacts that cannot be avoided shall be fully mitigated.

~~17.35.033 Goals and Policies for Protection of Critical Saltwater Habitat~~

Commented [AC74]: Table 4-1 #1

~~1. **Goal: Protect Lacey's critical saltwater habitat areas and achieve no net loss of ecological functions or values in these areas.**~~

~~A. **Policy:** Utilize best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans for projects intruding into or over critical saltwater habitat areas.~~

~~B. **Policy:** Because ecological functions of marine shorelands can affect the viability of critical saltwater habitat, effective protection of critical saltwater habitats should integrate the policies for management of shorelands, outlined in Section 17.35.031, with management policies for submerged areas.~~

~~C. **Policy**: Activities in, over or adjacent to critical saltwater habitat should consider the following, where applicable:~~

~~1) Protecting a system of fish and wildlife habitats with connections between larger habitat blocks and open spaces and restoring such habitats and connections where they are degraded;~~

~~2) Protecting existing and restoring degraded riparian and estuarine ecosystems, especially salt marsh habitats;~~

~~3) Establishing adequate buffer zones around these areas to separate incompatible uses from the habitat areas;~~

~~4) Protecting existing and restoring degraded near-shore habitat;~~

~~5) Protecting existing and restoring degraded or lost salmonid habitat;~~

~~6) Protecting existing and restoring degraded upland ecological functions important to critical saltwater habitats, including riparian vegetation;~~

~~7) Improving water quality;~~

~~8) Protecting existing and restoring degraded sediment inflow and transport regimens; and~~

~~9) Correcting activities that cause excessive sediment input where human activity has led to mass wasting.~~

17.35.035 Standards for Protection of Critical Saltwater Habitat

1. **Standard**: Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met.

   A. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

   B. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

   C. The project including any required mitigation will result in no net loss of ecological functions associated with critical saltwater habitat.

   D. The project is consistent with the state's interest in resource protection and species recovery.

   E. Docks for community use may be authorized provided that:
      1) Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible;
      2) The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

17.35.036 Buffer requirements for Protection of Lacey's Marine Riparian Areas and Critical Saltwater Habitat

1. **Standard:** The minimum baseline marine riparian habitat area buffer shall be 200 feet measured landward from the OHWM. The Administrator may authorize reduction of the standard buffer under the conditions and through the process provided for in LMC 14.33.116.G and incorporated into this SMP. The buffer width may not be reduced by more than 25% in any location. Any greater reduction requires a shoreline variance.

Commented [AC75]: Per Ecology comment

2. **Standard**: Activities and structures associated with water oriented public access opportunities may intrude into marine riparian area or critical saltwater habitat area buffers, provided such public access is consistent with the intent and applicable provisions of Lacey's Public Access Plan, is approved and maintained by the City of Lacey, is the minimum intrusion necessary to support the authorized use, and the mitigation sequence is followed.

17.35.037 Critical Fresh Water Habitat

1. **Location and Type**: Critical fresh water habitat areas in Lacey include Woodland Creek, its floodplain, and the associated, almost continuous, stretch of wetland complex that connects and extends around portions of area lakes; including Hicks Lake, Pattison Lake, and Long Lake, to

the extent such areas fall within shoreline jurisdiction, and the lake basins. ~~See map L-1 in the inventory.~~

2. **Shoreline Designation:** The ~~shoreline residential~~Shoreline Residential designation has been applied to properties around Lacey's lakes where residential development has occurred. These areas are predominantly built out. Woodland Creek is designated U~~u~~rban C~~c~~onservancy and N~~n~~atural, and the large, associated wetland complex connecting them all is designated ~~natural~~Natural. Protection of the vast complex of wetland areas surrounding Hicks, Pattison and Long Lake has come naturally as it was considered unusable. Most all of this complex has been protected and remains undeveloped.

3. **Land use**: Land use along Woodland Creek and Lakes within Lacey and Lacey's UGA is somewhat variable, ranging from undeveloped land to low density residential, with some commercial land uses along Woodland Creek's associated wetlands north of Martin Way. Most of Woodland Creek from this point north within Lacey and its UGA is undeveloped and has maintained critical area functions, particularly in regard to flood storage capacity and habitat associated with wetland areas. Where lakefront property contained developable area, it has generally been platted and developed with residential uses. Continuation of the residential uses and reasonable expansions are anticipated to continue to occur.

~~17.35.038 Goal and Policies for Protection of Critical Fresh Water Habitat~~

~~1. **Goal: Protect Lacey's critical fresh water habitats and achieve no net loss of function or value in these areas. Strive for greater levels of ecological function in vegetation management areas over the long term.**~~

~~A. **Policy:** Utilize best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans for activities proposed within or adjacent to critical freshwater habitat.~~

~~B. **Policy:** Utilize standards in Lacey's critical areas ordinances and tree and vegetation protection legislation as incorporated into this SMP, as appropriate, to protect critical freshwater habitat areas and achieve no net loss objectives of this SMP.~~

~~C. **Policy:** Accommodate existing uses while achieving no net loss of functions and values with new development and implement mitigation strategies designed to improve the functionality of vegetation management areas.~~

~~D. **Policy:** Emphasize protection and no net loss of ecological function of critical fresh water habitat in the future under GMA and when considering future land uses in shoreline areas.~~

~~E. **Policy:** Where critical areas occur along designated critical freshwater habitat, buffer requirements should be based upon standards identified in Lacey's critical area ordinances as incorporated into this SMP. Exceptions to this policy are outlined in Section 17.35.020 (1) (C).~~

~~F. **Policy:** Water dependant uses and structures or modifications supporting public access or such uses should be authorized uses within critical freshwater habitat, critical areas, critical area buffers and the OHWM setback within any shoreline designation.~~

17.35.039 Standards for Critical Fresh Water Habitat

1. Uses, structures or modifications that are not water ~~dependant~~dependent or do not provide public access shall not be permitted within critical freshwater habitat areas or critical areas or their buffers.

2. A water ~~dependant~~dependent or public access use, structure, or modification may be approved within critical freshwater habitat areas and critical areas and their buffers provided it meets all of the following requirements:

   ~~1.~~A. Such use, structure, or modification is associated with a residential use on the same property, or if a public use is identified in the Comprehensive Plan for Outdoor Recreation or the Public Access Plan.

   ~~2.~~B. All standards of this SMP applicable to the use, structure or modification are met including provisions within the SMP.

   ~~3.~~C. The intrusion is the minimum amount necessary to support the authorized use and the proposal complies with mitigation sequencing.

   ~~4.~~D. The proposal can demonstrate no net loss of shoreline ecological function and value.

3. Proposals for activities within critical freshwater habitat areas shall include development of a habitat management plan. The habitat management plan shall illustrate how the proposal complies with the goals, policies and standards relating to critical freshwater habitat areas and critical areas, as applicable, in this SMP.

17.36 Moratoria Authority

Commented [LW76]: Table 2-1 2009c

1. The City has authority to adopt a moratorium control or other interim control on development under RCW 90.58.590.

2. To adopt a moratorium control or other interim control, the City must:

   A. Hold a public hearing on the date of adoption, or within sixty days of the date of adoption;

   B. Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

   C. Notify the department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection.

   D. Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under

the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

3. A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review.

4. A moratorium or control may be renewed for one or more six-month period if the City complies with the requirements in subsection (B) above before each renewal.

~~PART TWO~~

~~ENVIRONMENTAL CONCEPTS, SHORELINE VALUES AND FUNCTIONS, VEGETATION AND RESTORATION~~

Article 4. Shoreline Ecology and Vegetation Management Standards

17.40 Shoreline Ecological Functions

17.40.005 General Provisions

The SMA and the Guidelines for the SMP place an emphasis on the protection of ecosystem-wide processes and ecological functions. This SMP must contain policies, regulations and standards designed to achieve "no net loss" of these processes and functions. To accomplish this objective, Lacey has developed this SMP with the necessary goals, policies and development regulations to assure development within the shoreline jurisdiction will promote no let loss of ecological functions necessary to sustain the natural shoreline.

~~17.40.007 General Goals and Policies for Protection of Ecological Functions~~

Commented [AC77]: Table 4-1 #1

~~**1. Goal: Use the comprehensive unique inventory and characterization report provided in Appendix 4 to recognize, appreciate and respect the individual nature of Lacey's shoreline reaches and the natural ecological processes important to the health and vitality of these shorelines.**~~

~~**A. Policy:** Designate shorelines based upon findings of the shoreline inventory and what designation is best suited to each individual reach considering its identified functions and values.~~

~~**B. Policy:** Require design that is sensitive to shoreline processes and the requirements necessary for protection of identified functions and values. Design and density shall promote no net loss of ecological functions. To further this intent, the City will consider incentive programs to encourage dedication of shoreline property to the City for management and protection over the long term.~~

~~**2. Goal: Plan land use around shoreline resources considering the characterization report and cumulative impacts analysis, and responsibly balance impacts from urbanization required under GMA with the necessary protection of these limited and valuable resources over the long term.**~~

~~**A. Policy:** Require a vegetation management area appropriate to each designation and expected use, to promote the natural functions of stormwater absorption and treatment and promote water quality and natural habitat functions and values.~~

~~**B. Policy:** Allow alternatives for vegetation improvements within the vegetation management area as long as the area will achieve similar results in mitigating upland development and impacts of urbanization on the shorelines natural functions and values.~~

~~**3. Goal: Achieve goals of the Shoreline Management Act for state interests, and achieve local interests for the protection of identified functions and values. This shall include enjoyment**~~

of these resources for both passive and active recreation opportunities, as appropriate given characteristics, functions and values of individual shoreline areas.

A. Policy: Ensure that uses and activities address the goals and policies in Sections 17.40 through 17.70.

B. Policy: Public use of shoreline will be a priority pursuant to the City Public Access Plan. However, public access must be balanced with the needs of each individual reach for maintaining a healthy shoreline and its ecological functions and values.

C. Policy: Public access with active or intensive uses should not be planned where critical areas are present or the shoreline would be particularly sensitive to the planned use.

D. Policy: Access should be integrated into shoreline areas with the least amount of impact possible and impacts should be mitigated to promote no net loss of ecological function.

E. Policy: To balance public access and use of shoreline resources with ecological function, Lacey will consider offsite mitigation and restoration consistent with priorities in the City's Restoration Plan. Offsite mitigation can be used to achieve no net loss on a community wide basis if this cannot be achieved onsite.

4. Goal: Promote new development only where appropriate for the shoreline designation and ensure all development is sensitive to and protects ecological processes and functions.

A. Policy: Design and locate all development and structures, including residential development, to make beach stabilization measures and other shoreline modifications unnecessary, including but not limited to, protective measures such as filling, beach feeding, bulkheading, shoreline berms, construction groins or jetties, or substantial grading of the site.

B. Policy: Ensure that permits for shoreline modifications address the goals and policies in Sections 17.40 through 17.70.

C. Policy: Ensure that exemptions and permits for uses, activities and shoreline modifications use mitigation sequencing in Section 17.40.015.

D. Policy: Programs that enhance opportunities for the development community as well as meet City and state goals for shoreline protection should be given priority. An example is a program that would allow significant increased density credit that can be transferred to upland areas outside shoreline jurisdiction or off site in exchange for dedication of the shoreline area to the public. This can enhance development opportunities and achieve GMA goals and environmental protection of shoreline resources over the long term.

Commented [AC78]: Table 4-1 #1

17.40.015 Mitigation Sequencing

A shoreline permit applicant or project proponent shall include measures in their proposal to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the SMP and other applicable regulations. Where required, mitigation shall occur in the following prioritized order:

A.1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.

~~B.~~2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.

~~C.~~3. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment.

~~D.~~4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action.

~~E.~~5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures.

17.40.020 Development Standards for Protection of Ecological Functions

1. **Standards applicable to ecological functions, generally**: The entire Shoreline Master Program has an emphasis on protection of ecological functions and promoting no net loss of ecological functions and values. Standards achieving this are found throughout the document under sections dealing with specific uses and modifications. All goals, policies and standards in this section of the SMP (LMC 17.40) are applicable to protection of ecological functions and are considered fundamental to management of shoreline resources. All goals, policies and standards in LMC 17.40 shall be satisfied with any use, activity, structure or modification under shoreline jurisdiction:

   A. General goals, policies and standards applicable to all uses, activities and modifications in Sections 17.44 and 17.45.

   B. General goals, policies and standards for uses and modifications in Sections 17.46 through 17.70.

   C. All vegetation management policies and standards of Section 17.41.

   D. All restoration policies and standards of Section 17.42.

2. **Vegetation management areas when critical areas are not present**: Where no designated critical area exists within shoreline jurisdiction, a vegetation management area shall be required to overlay the setback from the OHWM for the primary and most intensive use planned for the site.

   Along lakes in Lacey, the most intensive use will generally be residential homes. Matching the vegetation management area with the setback for the most intensive use permitted on the property is intended to correspond to the general needs and character of each shoreline designation and uses permitted within the designation.

3. **Buffers when critical area is present**: Where critical areas occur, the intent and requirements of Sections 17.35.020 shall be satisfied.

4. **Vegetation requirements for vegetation management areas**: Vegetation Management Areas required in item 17.40.020 (2) above shall consist of native species typical to riparian areas, or a functional equivalent. There are several intents to this provision which include:

A. To promote no net loss of ecological functions as further urbanization or more intensive use of individual sites occur.

B. To maintain the health and value of the shoreline, as well as individual properties, when new development takes place by maintaining areas that can help mitigate impacts and result healthy riparian areas over the long term.

C. To implement requirements that are flexible to meet individual needs (provide a tool box of options accomplishing the intended objectives) and are proportionate to planned improvements.

See Section 17.41.021 ~~Table 1~~ for vegetation guidelines for vegetation management areas.

5. **Uses designated for location within a vegetation management area must promote shoreline goals**: Generally, structures and activities that do not promote shoreline goals as expressed in the SMA and this SMP are prohibited within the designated vegetation management and setback areas. Examples include:

A. New or expanded lawns and gardens (typically heavily fertilized, contaminate the water body through nutrient loading, generally not efficient in filtering runoff or allowing water to infiltrate and provide little habitat value);

B. New or expanded parking and stormwater facilities (potential to contribute significant contaminants);

C. New or expanded fences (that degrade the natural look and aesthetics of shorelines and restrict movement of wildlife and people); and

D. New or expanded accessory structures (which can have a range of adverse impacts).

E. New or expanded uses, structures, activities and modifications not otherwise permitted in this SMP that can adversely impact shoreline functions and values.

~~17.41.010 Importance of Vegetation~~

~~**Native vegetation along the shoreline provides and supports many ecological functions or processes which are critical to the health, vitality, function and**~~

~~value of Lacey's shorelines. These functions and values include but are not limited to:~~

~~A. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.~~

~~B. Regulating microclimate in riparian and nearshore areas.~~

~~C. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates.~~

~~D. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.~~

~~E. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.~~

~~F. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;~~

c. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species.

d. Providing habitat for wildlife, including connectivity for travel and migration corridors.

Based upon identified functions and values and the role vegetation plays in maintenance of these functions and values, Lacey will promote proper restoration, landscaping and maintenance of its shoreline areas. The goals and policies in Sections 17.41.015 and general development standards in Section 17.41.020 are intended to provide the vision and general framework for this effort.

17.41.015 Vegetation Management - Goals and Policies

1. Goal: Over the long term, achieve vegetated shorelines with materials supportive of natural shoreline functions and values that will help maintain and improve water quality and habitat.

A. Policy: Limit the removal of vegetation within shoreline jurisdiction to the minimum necessary to accommodate authorized shoreline development. Designate a vegetation management area corresponding to each designation's setback area as outlined in Section 17.24.010, Table 4. To be providing buffering functions, it is assumed such areas are well vegetated with native species appropriate to the eco-region. Where buffering functions are compromised by loss of, lack of, or replacement of native vegetation, vegetation management plans should focus on improving buffering function.

B. Policy: Native/approved vegetation is desired within designated vegetation management areas to further the City's goals of shoreline restoration and to promote no net loss of ecological function and value with new development. A Vegetation Management Plan should be developed for uses and activities proposed in shoreline jurisdiction, and should consider legitimate competing interests for shoreline areas. These interests include but are not limited to habitat, views and compatibility and integration of the full range of land use activities anticipated in the applicable shoreline environment

~~and adjacent uplands. Example Vegetation Management Plans are provided in Appendix 2.~~

~~C. Policy: The Administrator may allow selective pruning of native/approved vegetation for view corridors and limited vegetation removal for shoreline access segments, provided ecological functions are not compromised. Proposals to remove vegetation for shoreline access segments should follow the mitigation sequence. All proposals for vegetation removal or pruning should be reviewed by the City Forester/Arborist, who will provide a recommendation to the Administrator. See Sections 17.41.020 (3) and 17.41.020 (10).~~

~~D. Policy: Preserve existing native vegetation along the shoreline, encourage and incentivize planting when it does not exist, and avoid, minimize and mitigate for impacts to shoreline vegetation.~~

~~E. Policy: Provide flexibility when balancing overlapping shoreline policies and priorities in including vegetation conservation, preferences for water-dependant uses, and requirements to provide public access.~~

F. Policy: When nonconforming or "conforming, expansion limited" structures are expanded within designated vegetation management areas and native/approved vegetative does not exist within the vegetation management area, the City should encourage the installation of vegetation within these areas to the level the site can reasonably accommodate and commensurate to offset the proposed level of expansion. If through review of the Vegetation Management Plan, the Administrator determines there is not adequate space onsite to accommodate vegetation that will adequately offset and mitigate impacts anticipated from the expansion, the Administrator may consider offsite mitigation or payment of fees in lieu of onsite mitigation.

G. Policy: Vegetation within designated vegetation management areas should be comprised of three vegetative levels including an over story of trees, an understory of shrubs, and a floor of herbs and with native plants commonly found in riparian areas of Thurston County; see example Vegetation Management Plans in Appendix 2.

H. Policy: Where revegetation of vegetation management areas is anticipated, such areas should

be planted to resemble native conditions. The Administrator may consider and approve use of other vegetative materials that are demonstrated through the Vegetation Management Plan to achieve protection or maintenance of shoreline ecological function equivalent to native vegetation.

I. Policy: Where uses or activities are proposed along shorelines that also contain critical areas, Vegetation Management Plans may be consolidated with Habitat Management Plans required under Section 17.35.

2. Goal: Develop and implement public information efforts that put shoreline vegetation restoration and management tools in the hands of shoreline property owners.

A. Policy: Because of the importance of vegetation in managing water quality, the City will promote public education on this topic.

~~**B. Policy: Develop a full range of materials to share with the public ranging from how to implement shoreline revegetation requirements in accordance with this SMP to basic information regarding shoreline functions and values and how vegetation management can be involved in maintaining shoreline property.**~~

~~**C. Policy: The City will support efforts of realtors and work in partnership with the local Board of Realtors to inform new and existing shoreline property owners of protective covenants that may be applicable to shoreline properties, and on the topic of ecologically friendly vegetation management. This may include a range of strategies such as educational presentations at realtor membership meetings, presentations to home owner associations, scheduling informational meetings with lot owners or perspective buyers and helping to develop brochures for general circulation to interested groups.**~~

17.41 Vegetation Management

Commented [AC79]: Table 4-1 #1

17.41.020 Vegetation Management - Development Standards

1. **Standard**: A Shoreline Vegetation Management Plan shall be developed and implemented for any shoreline parcel as a requirement of a shoreline substantial development permit, shoreline conditional use permit, shoreline variance and any action requiring an exemption letter. If there

is no permit or exemption letter required for an activity, structure or use, a Shoreline Vegetation Management Plan is not required. However, in such situations any new landscaping of the site must adhere to the goals, policies and standards of the SMP with regard to the intent to promote natural functions and values of shoreline property. See ~~Appendix~~ Green Shoreline Landscaping: Examples and Guidelines ~~2~~ for sample Vegetation Management Plans.

Parcels within shoreline jurisdiction which do not front onto a lake or stream and have property within a required shoreline buffer shall still be required to develop and implement a Shoreline Vegetation Management Plan pursuant to requirements for this section. Said plan will have a different focus than lots with shoreline frontage. Focus for these parcels will be runoff and drainage treatment, overstory vegetation to promote tree canopy and proper maintenance, involving use and minimizing fertilizers and other contaminants that could impact water quality.

2. Standard: The Shoreline Vegetation Management Plan shall include or address the following:

A. The plan shall cover the entire project area or parcel(s) upon which uses or activities requiring authorization are proposed, as outlined above. The plan shall illustrate the location of the OHWM, the dimensions and location of the vegetation management area and of any shoreline access segment or clear zone established under Section 17.41.020 (7). The plan shall also illustrate the contours and general slope of the lot, the dimension of all existing and proposed structures (principle and accessory), impervious surfaces, lawn or turf areas, easements, and utility lines/connections. The plan shall illustrate general areas, approximate dimensions, and species makeup of vegetated areas located on portions of the subject site within shoreline jurisdiction but outside of the designated vegetation management area. Where combined with a Habitat Management Plan, the combined plan shall also illustrate the location and type of critical area(s) existing on the site in accordance with the provisions in Section 17.35 of this SMP. This plan shall be prepared by a licensed landscape architect, Washington certified nurseryperson or Washington certified landscape professional. When combined with a Habitat Management Plan, the plan shall also incorporate information from a qualified biologist or ecologist. The Administrator may waive the requirement for a qualified professional to prepare the plan, under appropriate circumstances as determined by the Administrator.

B. The Plan shall provide for the retention and/or replanting of native shoreline vegetation, or its functional equivalent, within the required vegetation management area; see example Vegetation Management Plans in the Green Shoreline Landscaping: Examples and Guidelines~~Appendix 2~~. When expansion of a nonconforming structure, "conforming, expansion limited" structure, or development of a nonconforming lot is proposed within the vegetation management area, or when the impacts of development outside of the vegetation management area cannot be offset because of insufficient native vegetation in the vegetation management area, vegetative improvements (replanting) proposed to offset unavoidable impacts through the mitigation sequence shall be provided according to the schedule and tier threshold provisions in Section 17.41.021~~, Table 1~~.

C. Authorized uses or development shall retain all vegetation occurring on the lot until such time as a building permit or shoreline authorization is issued. Such permit or authorization shall specify the extent to which and in what locations vegetation can be removed. Development occurring outside of vegetation management areas will generally satisfy the first step in the mitigation sequence (avoidance). If, in the opinion of the Administrator, the use or activity may still result in a net loss of shoreline ecological function due to the character of the proposed activity or because of specific site conditions, the Administrator may require compensatory mitigation commensurate to offset identified impacts.

D. Specific revegetation strategies that are developed to meet objectives of this SMP may differ from those in ~~Table 1~~ provided the Administrator finds such strategies are proportionate to provide for equivalent levels of shoreline function.

E. The Administrator may waive the requirement for preparation of a Shoreline Vegetation Management Plan when the proposed permit or action seeks to improve ecological functions of the shoreline, such as the removal of a bulkhead. In this situation, the level of functional improvement resulting from the proposed action shall be proportionate to that which would be provided through implementation of a Vegetation Management Plan, as determined by the Administrator.

F. Example Vegetation Management Plan: To aid applicants in preparation of a Shoreline Vegetation Management Plan, the City has provided example Vegetation Management Plans and a general list of preferred species for Lacey's shoreline areas in the Green Shoreline Landscaping: Examples and Guidelines~~Appendix 2~~. Species listed in this document~~Appendix 2~~ have been selected based upon characteristics that contribute and support the natural functions and values of the shorelines. The example plans shall be utilized by applicants to achieve mitigation or incentivized restoration efforts unless an alternative approach is authorized by the Administrator utilizing the criteria outlined in 17.41.020 (D) above.

3. **Standards for Review of Vegetation Management Plan**: The Shoreline Vegetation Management Plan shall be reviewed by the City Arborist and Tree Protection Professional who shall utilize guidance from the Department of Fish and Wildlife and the information in Green Shoreline Landscaping: Examples and Guidelines ~~Appendix 2~~ to evaluate preferred and proposed species and functional needs. The Arborist/Tree Protection Professional shall consult the Shoreline Inventory, Characterization and Analysis Reports for information on shoreline functions and values relative to the individual shoreline and subject reach where activities are proposed. Based upon the review, he/she shall provide recommendations to the Administrator for action on the Plan. Plans that do not protect and mitigate for impacts to shoreline ecological functions will not be approved.

4. **Standards for Maintenance**: Each Shoreline Vegetation Management Plan shall contain a maintenance component that details maintenance requirements. This shall include proper use of fertilizers to reduce impacts to water quality, irrigation needs and responsibilities, and adaptive management requirements to guarantee implementation of the plan.

5. **Standards to Ensure Retention**: Each Shoreline Vegetation Management Plan shall be retained and implemented throughout the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the Thurston County Auditor, prior to issuance of a permit or exemption.

6. **Standards for Use of Lawn as Landscaping**: Lawn or turf is not permitted within the designated vegetation management area because it compromises the buffering effectiveness of the area and does not serve a buffering function. Turf also generally encourages fertilization, which can result in an increased the nutrient load to the water body and compromise water quality. Turf shall only be permitted within the vegetation management area in the following situations when approved by the Administrator:

~~b.~~C. When expansion of an existing nonconforming or "conforming, expansion limited" structure is authorized, or when construction on a nonconforming lot involves encroaching into a designated vegetation management area, the portion of the vegetation management area within 10 feet of the structure, as allowed pursuant to Section 17.41.020 (7), may include or remain turf. New development shall apply the mitigation sequence to avoid conflicts with

vegetation such that this clear zone for turf or lawn within the vegetation management area is not needed, to the extent feasible.

~~c.~~D. When new construction is proposed, turf shall not be utilized in the designated vegetation management area. However if the Administrator determines there is no reasonable alternative that provides the applicant with usable yard space, lawn or turf may be utilized within up to 10 feet of the principle structure within the vegetation management area. The Administrator shall review the proposal utilizing the variance criteria in Section 17.30.020 and shall only approve such requests utilizing the mitigation sequence and when the allowance is the minimum necessary to afford relief.

C. Wherever lawn is permitted it shall meet requirements of Section 17.41.020 (4) concerning proper use of fertilizer.

7. **Standards for Shoreline Access Segments and Clear Zones Permitted around Structures**: Nonconforming or "conforming, expansion limited" structures proposing to expand may maintain non buffer related vegetative improvements adjacent to and within a 10 foot radius of the structure (clear zone). As outlined above, new residential construction shall be sited so that any lawn or turf area is located outside of the vegetation management area, to the extent feasible. New residential uses on shoreline parcels may establish a shoreline access segment as defined in 17.15.236. In locating shoreline access segments or locating clear zones, the mitigation sequence shall be followed. Compensatory mitigation shall offset direct impacts from structural expansion as well as from any resulting loss of function due to expansion of the clear zone further into the vegetation management area, if applicable. Compensatory mitigation shall also be provided for unavoidable impacts resulting from the establishment of shoreline access segments. Compensatory mitigation shall be authorized by the Administrator and may include such things as:

   A. Vegetative improvements in other portions of the vegetation management area, as outlined in 17.41.021~~Table 1~~;

   B. Strategies designed to provide more effective buffering functions within the vegetation management area, such as installation of rain garden that is particularly effective in mitigating runoff impacts;

   C. Activity that improves the existing function and value of the shoreline in ways other than installing vegetation, as outlined in 17.41.021~~Table 1~~. Such activities may include removing overwater structures that do not provide public access or serve a water dependent use, replacing materials on docks with light penetrating materials, or removing hard shoreline stabilization structures where softer measures would provide adequate shoreline stabilization;

   D. Other strategies~~y~~ or techniques designed to provide functions proportionate to and to compensate for buffering functions within the vegetation management area that are lost, as approved by the Administrator.

   E. If reasonable effective opportunities for compensatory mitigation have been exhausted on site, off site mitigation may be conducted at priority restoration sites as determined by the Administrator. At such time as the City has designed and implemented a fee in lieu of program, paying a fee in lieu of additional on site mitigation shall also be an option at the sole discretion of the Administrator.

8. **Standards for Covenants for New Plats**: Protective covenants and articles of incorporation for new plats shall include discussion of the location of and required maintenance for designated

vegetation management areas. The discussion shall include a responsibility for the homeowners association to call the attention of residents to policies and standards in this SMP. It shall also detail the responsibility of individual lot owners to follow prescribed rules in regard to protection and maintenance of vegetation and appropriate maintenance practices to preserve water quality.

9. **Standards for Hazard Trees**: Hazard trees within vegetation management areas or critical area buffers may be converted to habitat tree or pushed over toward the aquatic area and retained as large woody debris. Such proposals shall be reviewed by the City's Tree Protection Professional and approved by the Administrator in accordance with the process for hazard tree review in LMC 14.32 as incorporated into this SMP.

10. **Standards for Limbing Trees**: The limbing or crown thinning of trees larger than three (3) inches in caliper shall comply with National Arborist Association pruning standards, unless the tree is a hazard tree as defined by the Program. No more than twenty-five percent (25%) of the limbs on any single tree may be removed and no more than twenty-five percent (25%) of the canopy cover in any single stand of trees may be removed for a single view corridor. All limbing shall comply with Lacey's Tree Protection and Preservation Ordinance (LMC 14.32) and applicable policies and criteria of the Lacey Urban Forest Management Plan, as incorporated into this SMP.

11. **Standard:** Requirements of this SMP to maintain and conserve vegetation shall not apply to the removal of aquatic weeds and fresh water algae undertaken pursuant to WAC 173-201.

17.41.021 ~~Table 1:~~ Vegetation Management - Re-vegetation and Mitigation Schedule and Tiers

Commented [AC80]: Table 5-1 #10

Because use of vegetation management for mitigation and restoration may involve a myriad of activities and designs that can meet the objectives of this SMP, the description of tiers/improvements given in this table should be used as a guideline. The table ~~1~~below is intended to provide a basic framework for meeting objectives and should be used when considering expectations for revegetation and mitigation, when necessary. However, the thresholds listed in this table are standards and shall be utilized in all Vegetation Management Plans.

Improvements specified in the table and example plans provided in ~~Appendix 2~~the Green Shoreline Landscaping: Examples and Guidelines can be used by applicants that prefer a standardized approach. As outlined in Section 17.41.020, applicants may develop a non-standard plan utilizing other strategies and approaches provided the plan incorporates the thresholds included in ~~Table 1~~the table below and that the plan meets the same objectives for functional equivalency and no net loss of shoreline ecological function. These thresholds and tiers/improvements are in addition to applicable requirements for revegetation of disturbed areas and landscaping in the Lacey Zoning Codes.

Commented [AC81]: Table 5-1 #8

Level of Expansion/Action in the Vegetation Management Area	Thresholds *	Description of Tiers/Improvements * **
No expansion permit – Permit associated with residential structure and no expansion; Electrical, plumbing, roofing permit, etc.	Not applicable.	Not applicable.
Low Impact Expansion – Expansion with no increase in impervious surface (vertical)	**Tree** and **Tier One**^	**Tree Tier** - Meet minimum tree requirements of Chapter 14.32, as incorporated into this SMP. Required trees must be placed within vegetation management area.

		Tier One^**–** Provide a 10–foot strip of landscaped area of native plants in the vegetation management area as close to the OHWM as possible. If this cannot be achieved due to lot and/or view constraints, provide strip within 25' of the OHWM. Landscape strip may be two segments.~~.~~
Minor Expansion - Expansion of building footprint by up to 500 square feet or up to 10% of structure (whichever is less) OR Expansion of impervious surface by up to 1,000 square feet or up to 10% (whichever is less)	**Tier Two**	**Tier Two -** Install native vegetation in at least **50%** of the vegetation management area. Priority given to overstory vegetation along the shoreline. OR ⁺**Reduced Vegetation/Structure and Use Option** – Install native vegetation in at least 25% of the vegetation management area. Priority given to overstory vegetation along the shoreline. AND, do one of the following: • Replace solid surfaces on piers and docks with light penetrating surfacing materials. • Remove over water structures that do not provide public access, or do not serve a water dependent use. • Remove and replace hard shoreline stabilization structures with bioengineered or softer shoreline stabilization measures.
Moderate Expansion- Expansion of the building footprint by more than 500 square feet or between 10.1 to 25% (whichever is less) OR Expansion of impervious surface by more than 1,000 square feet, or between 10.1 to 25% (whichever is less)	**Tier Three**	**Tier Three** – Install native vegetation in at least **80%** of the vegetation management area. Priority given to overstory vegetation along the shoreline. OR ⁺**Reduced Vegetation/Structure and Use Option** – Install native vegetation in at least 50% of the vegetation management area. Priority given to overstory vegetation along the shoreline. AND, do one of the following: ~~1.~~• Replace solid surfaces on piers and docks with light penetrating surfacing materials. ~~2.~~• Remove over water structures that do not provide public access, or do not serve a water dependent use. ~~3.~~• Remove and replace hard shoreline stabilization structures with bioengineered or softer shoreline stabilization measures.
Major Expansion– Expansion of the building footprint by more than 25%, or redevelopment (replacement/teardown) of existing structures involving more than 25% of the square footage of the existing structure, or all new construction on an undeveloped lot. Or Expansion of impervious surface by more than 25%	**Tier Four**	**Tier Four** – Install native vegetation in 100% of the vegetation management area. OR ⁺**Reduced Vegetation/Structure and Use Option** – Install native vegetation in at least 75% of the vegetation management area. Priority given to overstory vegetation along the shoreline. AND, do one of the following: ~~4.~~• Replace solid surfaces on piers and docks with light penetrating surfacing materials. ~~5.~~• Remove over water structures that do not provide public access, or do not serve a water dependent use. ~~6.~~• Remove and replace hard shoreline stabilization structures with bioengineered or softer shoreline stabilization measures.
New Development or expansion outside of the vegetation management area, where native vegetation within the vegetation management area is not	**Tree** and **Tier One**^	See row two above for description of tiers.

Commented [AC82]: Table 5-1 #7

sufficient to offset the impacts of development.		

* Requirements may vary according to the following considerations:

~~1.~~• Where a property has been fully landscaped with qualifying vegetation and meets all other requirements of the SMP, no additional landscaping will be required.

~~2.~~• Credit will be given for participation in weed control provided the property also practices landscaping strategies that do not contribute to weed growth (this does not include standard herbicide use). Credit will be proportionate to the investment made in weed control and the relative priority that should be given to weed control considering the existing condition of property being developed.

** Vegetation used should include native varieties or approved alternatives. For trees, select from the Lacey General Tree List in Lacey's Urban Forest Management Plan or in Green Shoreline Landscaping: Examples and Guidelines~~Appendix 2~~. For shrub and ground cover types, preferred species are listed ~~in Appendix 2~~in the mentioned guidelines document above. Alternative varieties may be approved by the Administrator.

+ The Administrator may grant additional credit for certain activities such as weed control as outlined in the footnotes above, and reduce required landscaping. Such reductions will be dependent on the scope of the proposed expansion, site conditions, and shall be at the sole discretion of the Administrator.

^ This plan can be prepared without a landscape designer, so long as it meets native plant spacing requirements and the plan is to scale (e.g. 1 inch = 10 feet)

Commented [AC83]: Table 5-1 #7

17.42 Restoration

~~1. Goal: Identify and take advantage of opportunities where restoration goals can be integrated into the design and planning of public or private shoreline development projects.~~

~~**A. Policy:** Recognize that restoration and enhancement may result from:~~
~~1) Mitigation of impacts from new development.~~
~~2) Adoption of shoreline setbacks and vegetation management areas with a protective function, which are based upon shoreline ecological functions and processes.~~

~~**B. Policy:** Reestablish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive based public and private programs and actions that are consistent with this master program and other approved restoration plans.~~

~~**2. Goal: Where opportunities are present, work with other state and local jurisdictions in planning and implementation of restoration projects that cross jurisdictional boundaries.**~~

~~**A. Policy:** Encourage and facilitate cooperative restoration and enhancement programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.~~

~~**3. Goal: Implement restoration efforts consistent with the City Shoreline Restoration Plan: Appendix 3.**~~

~~**A. Policy:** Integrate restoration and enhancement with other parallel natural resource management efforts such as the WRIA 13 Salmonid Recovery Plan, Puget Sound Salmon Recovery Plan, and the City of Lacey Comprehensive Land Use Plan and its Environmental Protection and Resource Conservation element.~~

~~**B. Policy:** Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for early Chinook, bull trout populations and other species and/or populations for which a recovery plan is available.~~

C. Policy: Target restoration and enhancement towards improving habitat requirements of priority and/or locally important wildlife species.

D. Policy: Restoration should be carried out in accordance with an approved vegetation management plan and in accordance with the policies and regulations of this SMP.

E. Policy: Prioritize restoration actions and stand-alone projects in the following order:
1) Create dynamic and sustainable ecosystems.
2) Restore connectivity between stream channels, floodplains and hyporheic zones.
3) Restore natural channel-forming geomorphologic processes.
4) Mitigate peak flows and associated impacts caused by high stormwater runoff volume.
5) Reduce sediment input to streams and associated impacts.
6) Improve water quality.
7) Restore native vegetation and natural hydrologic functions of degraded and former wetlands.
8) Replant native vegetation in riparian areas to restore functions.
9) Restore nearshore ecosystem processes, such as sediment transport and delivery and tidal currents that create and sustain habitat.
10) Restore pocket estuaries that support salmon life histories, including feeding and growth, refuge, osmoregulation, and migration.
11) Remove obsolete and no longer needed shoreline modifications.

4. Goal: Achieve natural beach areas by restoration that meets needs of the land owner without hard armoring.

1. **Policy:** Insure that permits for beach restoration and enhancement projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

2. **Policy:** Give preference in permitting beach restoration and enhancement projects which use naturally regenerating systems, rather than bulkheads and other structures to prevent and control beach erosion where:
1) The length and configuration of the beach will accommodate such systems.
2) Such protection is a reasonable solution to the needs of the specific site.
3) Beach restoration/enhancement will accomplish one or more of the following objectives:
1. Recreate or enhance natural shoreline conditions.
2. Create or enhance natural habitat.
3. Reverse otherwise erosion-prone conditions.
4. Enhance access to the shoreline, especially to public shorelines.

C. Policy: Design and construct beach enhancement projects so that they will not degrade aquatic habitats, water quality and flood holding capacity.

D. Policy: Prefer self-maintaining designs over those which depend upon regular maintenance.

E. Policy: Require supplementary beach nourishment where structural stabilization works are likely to increase impoverishment of existing beach materials at or downdrift from the project site.

F. Policy: Limit the waterward extent of beach enhancement to that which is necessary to achieve the intended results.

G. Policy: Encourage the beneficial reuse of dredged materials for beach restoration and enhancement projects when it has suitable organic and physical properties.

Commented [AC84]: Table 4-1 #1

17.42.020 General Development Standards for Restoration

1. All restoration activities utilizing landscaping materials shall meet the vegetation management standards of Section 17.41.020 according to the tier threshold schedule in Table 1 (17.41.021).

2. Projects proposed on shoreline property shall meet applicable standards for restoration identified for specific uses, activities and modifications in Sections 17.44 through 17.70.

3. If off site mitigation is used, it shall be consistent with Lacey's Restoration Plan and the plan's goals, policies and priorities. Restoration priority will generally be for no net loss of function and value on site where a proposal is planned and implemented. However, when comprehensive on site restoration is not possible, Lacey may use off site mitigation to achieve no net loss of function and value. Such determination to use off site mitigation, in association with a public or private proposal, will be at the City's option and sole discretion.

4. Beach restoration and enhancement:

   A. Beach restoration and enhancement shall be the preferred way to protect an existing single-family residence or to maintain access to an authorized shoreline use, as opposed to hard shoreline stabilization structures such as bulkheads, landfills, levees, dikes, groins, or jetties.

   B. Beach restoration and enhancement may be permitted to restore or enhance degraded shoreline functions.

   C. The location and design of beach restoration and enhancement projects shall utilize the best available technology, such as the use of gravel berms, large woody debris, and sediment mixtures designed to either move within the drift cell or to resist the normal wave action of the site.

   D. Beach restoration and enhancement project shall demonstrate that they will not:
      1) Cause significant change in littoral drift or river currents,
      2) Adversely affect adjacent properties,
      3) Adversely affect adjacent spawning grounds or other areas of biological significance, and
      4) Interfere with the normal public use of the navigable waters of the state.

5. Relief procedures- Shoreline restoration projects within an Urban Growth Area:

   A. The City of Lacey may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

Commented [LW85]: Table 2-1, 2009a

PART THREE:

GENERAL SECTIONS IDENTIFYING GOALS, POLICIES AND DEVELOPMENT STANDARDS FOR USES, ACTIVITIES AND MODIFICATIONS

17.43.000 Organization of this Document Relating to Uses, Activities and Modifications

For the reader's convenience, this document has been organized with all of the uses, activities and modifications in alphabetical order. Each use, activity or modification has its own separate section.

Article 5. Remaining Development Standards

Modifications are addressed in Table 5. In addition, Section 17.45 provides general goal and policy statements applying to all modifications. Additional policies and development standards are provided under separate sections that deal with each particular modification. These sections are integrated and organized into the alphabetized sections of uses and activities. Section 17.45 lists the separate sections dealing with each modification for easy referral.

Commented [LW86]: Table 4-1 #1

17.44.000 Goals and Policies Applicable to all Uses and Activities

1. **Goal: Achieve appropriate use, protection and restoration of shoreline resources, by identification of their values and functions and application of criteria and standards to shoreline uses, activities and modifications.**

A. Policy: Apply standards for proper maintenance and restoration of degraded shorelines. Where there are no regulatory opportunities, use incentives to encourage developers, property owners, community groups and others to enhance degraded shorelines and return them to an ecologically functioning condition.

B. Policy: Design, locate and construct residential development in a manner that will:
1) Maintain existing public access to the publicly owned shorelines,
2) Not interfere with the public use of water areas fronting such shorelines, and
3) Not adversely affect aquatic habitat.

C. Policy: Evaluate all shoreline uses and activities for their effect on the aquatic environment to ensure every proposal that is approved achieves no net loss of ecological functions and values and does not adversely impact public health.

D. Policy: Adopt a full range of development standards and incentive opportunities to protect and achieve no net loss of existing shoreline ecological functions and processes. Development standards may include regulations on use, density, frontage, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas and water quality and other elements in the public's interest for management and use of shoreline resources.

E. Policy: Assess project specific impacts, cumulative impacts, and a project's potential to result in a net loss of ecological functions. Require compliance with the mitigation sequence and compensatory mitigation as necessary to mitigate unavoidable impacts. If impacts cannot be mitigated, the application for use, activity or modification may be denied.

F. Policy: Require shoreline permits to be consistent with the Shoreline Management Act (RCW 90.58), the Washington Administrative Code (WAC 173-26), and this Master Program.

G. Policy: Generally prohibit activities that would degrade existing levels of ecological function. Mitigation of impacts should occur on site or on other priority shoreline sites that offset on site impacts. Activities should always be consistent with state long term goals and requirements for protection and restoration of shoreline areas.

H. Policy: Eliminate inappropriate shoreline uses and poor quality shoreline conditions when authorizing a new shoreline development or activity on the same property and under the same ownership.

2. Goal: Develop a Shoreline Master Program with an efficient customer service process, enforcement of program requirements and periodic evaluation of key objectives.

A. Policy: Continue Lacey's cultural customer service orientation. Listen to each customer's unique issues to understand the specific situation and needs of the owner, explain the need, purpose and intent of the SMP as it applies to the subject property and try to identify a way to help the owner

~~meet their objectives for use of property while meeting Lacey's objectives for use, protection and restoration of shoreline resources.~~

~~**B. Policy**: Approach work with the owner as a partnership in use and management of shoreline resources. The partnership should benefit the individual owner and be consistent with the overall intent, vision and public interest of the community.~~

~~**C. Policy:** Monitor and track developments approved within shoreline jurisdiction, to provide a baseline of data to evaluate key shoreline program elements.~~

~~**D. Policy:** Provide appropriate enforcement measures for projects approved under Lacey's shoreline program to ensure that all conditions of projects are met, and that required improvements or mitigation is accomplished.~~

Commented [AC87]: Table 4-1 #1

117.45.000 Shoreline Modifications – Goals and Policies17.45 Shoreline Modifications

The Department of Ecology guidelines make the following statement to clarify the distinction between uses, activities and modifications: "Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use)."

This SMP classifies the following items or activities as modifications:

- **Dredging; see Section 17.53**

7. Fill; see Section 17.54

8. Buoy; see Section 17.52

9. Pier and Dock; see Section 17.61

10. Recreational Float; see Section 17.55

11. Shoreline Stabilization; see general goals, policies and standards in this section and:

a. Beach Restoration and Enhancement; see Section 17.42

b. Bioengineering; see Section 17.48

c. Revetment and Gabion; see Section 17.65

d. Bulkhead; see Section 17.51

e. Breakwater, Jetty, Groin and Weirs; see Section 17.50

f. Dike, Levee and Instream Structure; see Section 17.58

12. Stair Tower; not applicable, not permitted.

These modifications each have a section dealing with policies and standards for the modification. The goals and policies that apply to all modifications are provided below alphabetically in Section 17.70 to avoid the need for duplication in each of the individual sections. The policies for shoreline stabilization are presented here as well, as many activities will fall within this category.

1. Goal: Achieve protection of shoreline functions and values by implementation of Shoreline Master Program policies that foster design with nature. Use naturalized concepts and strategies that promote natural functions and processes over concepts that require structural modification.

A. Policy: Preserve shorelines which exist in their natural state free of shoreline modifications.

B. Policy: Where possible remove existing shoreline modifications and instream structures to improve ecosystem-wide processes and shoreline ecological functions.

C. Policy: Design and locate new development to prevent the need for shoreline stabilization measures and flood protection works.

D. Policy: Discourage new residential development which requires shoreline stabilization.

E. Policy: Discourage structural shoreline modifications so that they do not individually or cumulatively result in a net loss of ecological functions.

F. Policy: Allow structural shoreline modifications only when it is desirable for reconfiguration of the shoreline for mitigation or enhancement purposes.

G. Policy: Structural shoreline modifications should:

1) Be based on a comprehensive analysis of drift cells for marine water or reach conditions for stream systems and lakes; and

2) Incorporate all feasible measures to protect ecosystem-wide processes and shoreline ecological functions.

H. Policy: Bank stabilization measures should be designed, located and constructed only to prevent damage to existing development.

I. Policy: Use mitigation sequencing to support the use of nonstructural stabilization techniques over bio-engineering with structural components. If bio-engineering is necessary use mitigation sequencing to support its use over structural shoreline stabilization such as rip rap revetments or bulkheads.

J. Policy: Car bodies, demolition debris, concrete rubble, scrap building equipment or appliances should not be used for shoreline stabilization.

K. Policy: Substantial stream channel modifications and realignment and/or straightening as a means of shoreline stabilization and flood protection should be discouraged. Work within the natural shoreline processes and avoid development within flood plains, floodways or other areas that require stabilization of the natural processes with infrastructure.

L. Policy: Design stabilization or protection works for multiple uses with public access to public shorelines.

M. Policy: Retain natural features serving a stabilization function such as snags, stumps or uprooted trees that support fish and wildlife and other aquatic systems and that are not a significant navigation hazard.

N. Policy: Locate flood protection measures landward of the natural floodway boundary, including wetlands that are associated with the water body.

O. Policy: Beach restoration/enhancement using naturally regenerating systems for the prevention and control of beach erosion are preferred rather than bulkheads and other structures where:

1) The length and configuration of the beach will accommodate such systems.

2) Such protection is a reasonable solution to the needs of the specific site.

3) Beach restoration/enhancement will accomplish one or more of the following objectives:
a) Recreate or enhance natural shoreline conditions;
b) Create or enhance natural habitat;
c) Reverse otherwise erosion-prone conditions; and
d) Enhance access to the shoreline, especially to public shorelines.

Commented [AC88]: Table 4-1 #1

17.45.010 Shoreline Modifications – Policies Applying to all Shoreline Stabilization

1. Policies applying to all shoreline stabilization activities:

A. Policy: Shore stabilization should be located and designed to:

1) Protect and maintain shoreline ecological functions, ongoing shore processes and the integrity of shore features;

2) Not unnecessarily interfere with public access to public shorelines or with other appropriate shoreline uses including, but not limited to, navigation, seafood harvest or private recreation; and

3) Not intrude into or over critical saltwater or freshwater habitats.

B. Policy: Shoreline stabilization on streams should be located and designed to fit the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.

C. Policy: Public or quasi-public shoreline stabilization projects should be located and designed for multiple use, restoration, and/or public access, where feasible.

D. Policy: Design land divisions to assure that future development on the created lots will not require structural shore stabilization.

E. Policy: New or expanded structural shore stabilization should be limited to when:

1) It is conclusively demonstrated by a geotechnical analysis to be necessary to protect an existing primary structure that is in danger of loss or substantial damage caused by tidal action, currents or waves;

2) The erosion is not being caused by upland conditions such as vegetation loss and drainage problems;

3) Non-structural solutions will not be feasible or sufficient; and

4) Impacts can be mitigated so that they will not result in a net loss of ecosystem-wide processes and shoreline ecological functions.

F. Policy: Prohibit larger shoreline stabilization projects (such as jetties, breakwaters, weirs or groin systems).

~~**G. Policy:** Shore stabilization projects should not be allowed on publicly owned shorelines which result in a long-term decrease in public use of the shoreline.~~

~~**H. Policy:** Shore stabilization should not be allowed for the purpose of filling shorelines.~~

~~**I. Policy:** Structural shoreline stabilization should not be located on or at the base of eroding bluffs, except where existing structures are threatened or non-structural methods have been determined to be infeasible.~~

~~**J. Policy:** Encourage shore stabilization efforts which coordinate affected property owners and public agencies for a whole drift sector (net shore-drift cell) to address ecological and geo-hydraulic processes, sediment conveyance and beach management issues. Encourage the creation of a comprehensive management program where beach erosion threatens existing development.~~

~~**K. Policy:** Encourage removal of failing, harmful, unnecessary, or ineffective structures and restore shoreline processes and ecological functions by using more natural long-term stabilization measures.~~

~~**L. Policy:** Shoreline stabilization projects should be prioritized in the following order. Applications that propose less preferred methods must demonstrate why preferred methods are not feasible:~~

~~1) No action (allow the shoreline to retreat naturally), increased building setbacks, and structure relocation.~~

~~2) Upland vegetation enhancement and drainage controls.~~

~~3) Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms or vegetative stabilization.~~

~~4) Rigid works constructed such as bulkheads, seawalls and bluff walls of artificial materials such as riprap or concrete. Materials used for construction of shoreline stabilization is to be selected for long-term durability, ease of maintenance, compatibility with local shore features, including aesthetic values and flexibility for future uses.~~

17.45.0105 Shoreline Stabilization Standards

Commented [AC89]: Table 5-1 #1

~~X.~~1. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.

Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

2. **New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner**:

   A. To protect existing primary structures:

      1) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

      2) The erosion control structure will not result in a net loss of shoreline ecological functions.

      3) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

      4) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

   B. To protect restoration projects or hazardous substance remediation projects pursuant to Chapter 70.105D RCW when all of the conditions below apply:

      1) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

      2) The erosion control structure will not result in a net loss of shoreline ecological functions.

3. **An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves and provided there is no other more ecologically sound practice that can serve the same purpose**. **For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.**

   A. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.

   B. Replacement walls or 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. Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.

   D. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark. State and federal permits may

be required.

4. **Geotechnical reports pursuant to this section shall include in their analysis the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation**.

   As a general matter, hard armoring solutions shall not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure but the need is not as immediate as the three years that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

5. **When any structural shoreline stabilization measures are demonstrated to be necessary:**

   A. Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

   B. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Ecological restoration and public access improvements shall be incorporated into the project where feasible.

   C. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance functions. Where sediment conveyance systems cross jurisdictional boundaries, local governments shall coordinate shoreline management efforts. If beach erosion is threatening existing development, the City may adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

6. **Other Modifications: See also policies and standards for the individual type of modification proposed as listed in 17.45.000.**

17.46.000 Access (Public) - Goals and Policies

17.46 Public Access

1. **Goal: Provide a full range of shoreline access and use for the Lacey community.**

2. **Goal: Provide public access to and along the shorelines pursuant to the requirements of state law, guidance provided in the City Public Access Plan (see Appendix 1) and the goals and policies of this SMP.**

3. **Goal: Increase the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and/or to view the water and the shoreline from adjacent locations, provided that private rights, the public safety, and shoreline ecological functions and processes are protected consistent with the U.S. and state constitutions, and state statutes.**

   A. **Policy:** Consider the type of public shoreline access that is needed for the Lacey community; passive, active, view points, beach recreation etc. Determine what access opportunities exist and what additional opportunities should be pursued based upon value to the public.

   B. **Policy:** Develop an inventory of existing public access to shorelines and potential opportunities for public access that Lacey could pursue in achieving its public access goals.

   C. **Policy:** To support implementing efforts, particularly regulatory actions of conditioning permits, include a discussion of SMP identified public access needs and opportunities in planning documents (The Comprehensive Land Use Plan, The Comprehensive Plan for Outdoor Recreation, and The Capital Facilities Element) with justification and expectations for acquisition and development.

   D. **Policy:** Actively pursue public access opportunities with a variety of special programs;

   E. **Policy:** Where appropriate, acquire access to publicly owned tidelands and shorelands. Encourage cooperation among the City and Thurston County, adjacent cities, landowners, developers, other agencies and organizations to enhance and increase public access to shorelines as specific opportunities arise.

   F. **Policy:** Provide and protect visual access to shorelines and tidelands.

   G. **Policy:** Shoreline development by public entities such as local governments, state agencies, and public utility districts should provide public access measures as part of each development project unless such access is shown to be incompatible due to reasons of safety or impacts to the shoreline.

   H. **Policy:** Physical or visual access to shorelines should be incorporated in all new development when the development would either generate a demand for one or more forms of such access, and/or would impair existing legal access opportunities or rights. Public health and safety concerns should also be adequately addressed and maintenance of shoreline ecological functions and/or processes should be assured.

4. **Goal: Develop innovative program(s) that achieve Lacey's public access goals through incentives attractive to the development community.**

A. **Policy:** Incentive programs to gain public access should provide development options that are superior in balancing environmental protection with public use/interest, should meet all requirements of the Shoreline Management Act and further its spirit and intent, and should be superior from a market and business standpoint and result in a developer's independent decision to pursue the program.

B. **Policy:** Development resulting from an incentive program should be compatible with and further the intent of GMA plans and the City's community vision, and result in development that is compatible with and complementary to the neighborhood in which it is located.

5. **Goal: Ensure public access is designed and constructed so that it preserves or enhances the characteristics and natural functions and values of the shoreline.**

A. **Policy:** Public access should be located, designed, managed and maintained in a manner that protects shoreline ecological processes and functions as well as the public health and safety.

B. **Policy:** Select public access sites appropriate to the shoreline designation, the requirements for its environmental protection, and the maintenance of its natural functions and values.

C. **Policy:** Evaluation of sites for public access should include an analysis of the site's potential to accommodate the improvements necessary for the proposed form and level of intensity of public access activities.

D. **Policy:** Public access facilities such as over water fishing piers should only be authorized if ecological impacts are mitigated, if is consistent with the intent of this SMP and if it demonstrates no net loss of ecological function and value.

E. **Policy:** Design and development of public access facilities should consider view corridors. Emphasis should be placed on consideration of neighboring views and existing views from surrounding properties.

6. **Goal: Implement a shoreline access strategy that meets City of Lacey shoreline access goals while being sensitive to needs of landowners, surrounding neighborhood residents, and the general public.**

A. **Policy:** Lacey will demonstrate need for an access to provide the applicant a reason, purpose, and justification for public access as discussed in Appendix 1.

B. **Policy:** Lacey will provide the applicant with the use and intended design of the public access and assure successful integration of the access with the applicant's goals and objectives.

C. **Policy:** Lacey will increase public access to publically owned shorelines.

D. **Policy:** Lacey will consider objectives of private projects and landowners as it develops plans for public access and as much as possible, without compromising Lacey's public access goals and goals of the state, will design the access and long term management in a way that accomplishes the objectives of both parties.

E. **Policy:** Public access developed as part of a shoreline permit requirement should be designed to enhance the proposed project by adding value to the property for current and future residents of the site/ownership/development. Ideally, the relationship should be considered a

partnership between the developer and the city, where the establishment of public access tied into other public amenities (regional trail, lake trail, parks etc.) will improve a project's marketability and attractiveness, adding value to the proposed development by establishing an amenity residents of the site/ownership/development will see as added value to their home.

F. **Policy:** Physical or visual access to shorelines should be required as a condition of approval for shoreline development activities commensurate with the anticipated needs of future residents or users of the development, impacts of such development, and the corresponding benefit to the public, and consistent with constitutional limitations. Use an incentive dedication agreement program, such as Section 17.46.025, to provide economic incentives for a developer to design projects that include dedication of shoreline areas and access to the public.

G. **Policy:** Public access area and/or facility requirements should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the land owner and the public.

H. **Policy:** Design review standards should be applied to all projects taking place within shoreline jurisdiction. All projects should meet community expectations detailed in the Comprehensive Land Use Plan for neighborhood form and functionality and be compatible with and complementary to existing and planned development.

I. **Policy:** Public access design should provide for public safety, minimize potential impacts to private property and individual privacy, and protect shoreline ecological functions and processes.

J. **Policy:** Public access should be designed for integration with the existing built environment. In the context of a shoreline environment, successful integration will necessitate context sensitive design and will provide value to shoreline land owners, surrounding residents and the general public.

7. **Goal: Provide public access opportunities that are sensitive to the needs of water dependant uses and reflect priorities of the state for use of shorelines.**

A. **Policy:** Public access should be designed and managed in a manner that ensures compatibility with water-dependent uses.

B. **Policy:** Public access should be provided for water enjoyment, water related, and non-water dependent uses and subdivisions of more than 4 lots, and for all developments that increase public use of the shorelines and public aquatic lands or that would impair existing legal access opportunities, as provided in/supported by the City's Public Access Plan.

C. **Policy:** Uses and developments that provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state are a preferred use.

8. **Goal: Achieve Lacey's identified public access goals using strategies, methodology and targets established in the Lacey Public Access Plan; see Appendix 1.**

9. **Goal: Achieve safe and respectful use of lake resources by partnering with lake residents and Thurston County and monitoring public access sites and lake use.**

A. **Policy:** Consider opportunities for a program that enables local lake residents to establish a "Lake Watch Program" based upon the same principals as a Neighborhood Watch Program.

Provide support as necessary to empower lake residents to help maintain a safe lake and respectful use of these resources for the benefit of all Lacey citizens.

B. **Policy:** Coordinate responsibility with Thurston County for monitoring activity on lakes within Lacey's UGA. As much as possible, within existing resources, provide support for calls reporting dangerous or abusive behavior on lakes in Lacey and Lacey's growth area.

C. **Policy:** Coordinate with the Lacey Police Department in the planning and design of public access facilities to lakes and incorporate Crime Prevention through Environmental Design (CPTED) considerations.

Commented [AC90]: Table 4-1 #1

17.46.010 Public Access (Public) - Development Standards

1. Public access shall consist of a dedication of land, recorded easement or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other facility serving as a means of view and/or physical approach to public waters. These facilities may include interpretive centers and displays.

2. Opportunities to provide public access shall be evaluated with all applications for shoreline permits. Public access will generally not be considered for the uses listed below, except as determined on a case-by-case basis where the public access plan (Appendix 1) supports it. The Incentive Dedication Agreement Program detailed in 17.46.025 may be utilized with any development, except when in conflict with the provisions in subsection 3 below.

   A. Agriculture;

   B. Dredging;

   C. Ecological restoration or enhancement activities not associated with development, except when undertaken by a public entity or publicly financed/subsidized;

   D. Instream structures, except when undertaken by a public entity or publicly financed/subsidized;

   E. Landfill and excavation;

   F. Private docks serving four (4) or fewer dwelling units;

   G. Shoreline stabilization, except when undertaken by a public entity or publicly financed/subsidized;

   H. Single-family residential development of four (4) or fewer lots.

3. The Administrator may waive public access requirements for any water enjoyment, water related, non-water dependent use or subdivision of more than 4 lots when one or more of the following provisions apply:

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

B. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of development of the public access is unreasonably disproportionate to the total long term cost of the proposed development;

C. Significant impacts to shoreline ecological functions will result from the public access that cannot be mitigated; or

D. Provision of public access would not be consistent with ~~Appendix 1,~~ the City Public Access Plan.

4. In waiving public access per Section 17.46.0[2]~~2~~0 #3 above, the Administrator must determine that all reasonable alternatives have been exhausted, including:

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

B. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.);

C. Providing for access at a site geographically separated from the proposal such as a street end, vista, tideland or trail system.

5. Parcels developing within shoreline jurisdiction, which do not front onto a lake, marine, stream, or wetland shoreline may not be required to provide shoreline public access. They may be required to provide public access to other parcels along the shoreline (e.g. water's edge), where this is needed to support connections to shoreline public access on shoreline property. The nexus, proportionality, need and support for such a connection shall be based on goals, policies, objectives and provisions identified in ~~Appendix 1~~the Public Access Plan, the City's Comprehensive Land Use Plan, Transportation Plan, and/or Comprehensive Plan for Outdoor Recreation.

6. If physical public access on shoreline parcels is demonstrated to be infeasible or inappropriate due to significant interference to operations or hazards to life and property, alternative visual access opportunities may be provided at a location not directly adjacent to the water such as a viewpoint, observation tower, or other areas serving as a means to view public waters.

7. The City shall evaluate public access opportunities against needs on a case by case basis utilizing the criteria and methodology outlined in ~~Appendix 1~~the Public Access Plan.

8. Public access shall be provided in the following order of preference, where appropriate, and incorporate the following location and design criteria:

A. A public pedestrian path or trail shall be provided along the shoreline in a manner that will not adversely impact shoreline ecological functions and/or processes. Such path or trail shall include the following features:

1) The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge, where appropriate.

2) Fencing may be provided to control damage to plants and other sensitive ecological features, where appropriate.

3) Trails shall be constructed of permeable materials unless shown to be infeasible, and limited in width to reduce impacts to ecologically sensitive resources, except for a shared use trail or public access which is part of a boardwalk.

B. Other forms of physical public access shall be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street. If such physical access is a shared use path as defined in this SMP, the design shall comply with the classification of the trail as stated in the Public Access Plan and shall include provisions for handicapped and physically impaired persons, where feasible.

C. Where views of the water or shoreline are available and physical access to the water's edge is not feasible or appropriate, a public viewing area shall be provided.

D. Design of public access facilities shall minimize intrusions on the privacy of adjacent landowners, utilizing techniques and approaches outlined in Lacey's Design Review Ordinance (LMC 14.23).

E. Public access facilities shall be designed to provide for the safety of users and neighboring landowners, including discouraging offensive conduct through public visibility of the public access area, or through provisions for oversight. The Administrator may authorize a public access facility to be temporarily closed in order to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved through a permit revision.

F. Public amenities appropriate to the use of the public access area such as benches, picnic tables, restrooms and sufficient public parking shall be provided to serve users in accordance with the standards in this SMP.

9. Unless in conflict with the Public Access Plan or the City Comprehensive Plan for Outdoor Recreation, the minimum width of public access easements or dedications shall be ten (10) feet in width, with twenty (20) feet being the preferred width where significant public use is expected. The Administrator may reduce the width of public access easements if undue hardship would result or increase the width if necessary to serve the intended function. However, the reduction or enlargement shall only be what is necessary to achieve the intended purpose.

10. Public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.

11. Public access facilities shall be maintained over the life of the use or development. The party responsible for maintenance shall be identified in the authorization or permit decision documents. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

12. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement or dedication. Such legal instruments shall be recorded with the Thurston County Auditor's Office at the time the land division is recorded and/or prior to the time of shoreline permit approval or building occupancy whichever comes first.

13. Management of public access areas including protection and preservation of sensitive areas, provision of appropriate infrastructure and facilities, security, and long term maintenance shall normally be the responsibility of the City of Lacey. However, at its option, the Administrator may approve another public or non-profit agency to assume this responsibility if appropriate given the

use. This responsibility may also be required of the owner, future home owners association, or other entity approved by the Administrator. If the Administrator approves another entity to assume this responsibility, it shall be through a formal agreement recorded with the Thurston County Auditor's Office.

14. Public access facilities shall be available to the public twenty four (24) hours per day unless other hours apply according to standards of the Comprehensive Plan for Outdoor Recreation or Parks Department Administrative criteria. Hours of operation shall be specified in the shoreline permit.

15. Appropriate signage shall be posted to inform facility users of necessary information including rules and responsible use of the resource. The City's phone number and contact information shall be included. The City's approved access sign(s) shall be installed in conspicuous locations at public access sites by the owner/developer. Once the signing of the property has been accepted by the City, it shall be maintained by the City or entity approved by the City that has the long term responsibility for maintenance and management of the access.

16. Development of new uses and expansion of existing uses shall consider existing view corridors from both designated public access/view areas and existing private development. The ability to view the water is considered a form of access to shorelines. Impacts to existing views shall be minimized utilizing techniques in Lacey's Design Review Ordinance (LMC 14.23).

17. Over-water or in-water public access facilities shall follow the mitigation sequence. Recommendations for "Building Better Docks" in Green Shoreline Landscaping: Examples and Guidelines ~~Appendix 2~~ shall be utilized unless the Administrator agrees that a different design will have less environmental impact given specific site conditions.

17.46.025 Public Access ~~(Public)~~ - Incentive Dedication Agreement

Lacey has developed an incentive program for the development community and shoreline land owners to further objectives for public access and management of shoreline resources. The project utilizes a Shoreline Access Incentive Dedication Agreement, and is designed to achieve dedication of shoreline areas for public use and protection as provided in the City's Public Access Plan ~~(Appendix 1)~~.The basis of the concept is to incentivize dedication of shoreline areas to the public in exchange for density bonuses and transfers to upland areas under the same ownership or other areas throughout the city. In the context of this program, upland means on lands not within shoreline jurisdiction. Receiving areas for the density bonus or transfer would be designated based upon a determination such sites are able to support increased density in accordance with established City or Regional TDR policies. In addition, development planned for receiving areas needs to be consistent with the objectives of the Comprehensive Land Use Plan. Project planning and development under the shoreline access incentive dedication agreement program will be reviewed to ensure that the objectives of the dedication program are satisfied. Through this incentive program the Administrator may waive or modify zoning restrictions at the receiving site for such things as setbacks, lot size, height limits, and dimensional requirements provided all of the following provisions can be satisfied:

A. The design of the development results in a concept of superior quality and functionality as discussed in the Comprehensive Land Use Plan;

B. Development that occurs under the incentive program is designed in a way that results in a land use configuration that is superior to or compatible and complementary to adjacent surrounding land use and the overall character of the neighborhood in which it is located; and

C. All standards of the master program and its intent are satisfied for any development taking place within shorelines jurisdiction.

17.47~~.000 _ Discussion and General Policy for~~ Aquaculture ~~Use in Lacey~~

Review and Discussion: Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity.

The Woodland Creek riparian area has an existing upland trout fish hatchery. The Nisqually Trout Farms, Inc. has been a successful, family owned business since 1948. This area was previously out of shoreline jurisdiction. Due to adjustments in mapping it will be within shorelines jurisdiction under the new update. The carrying capacity for this type of use in Woodland Creek is limited based upon its size, sensitivity and the scope of the existing hatchery. This area has been designated as ~~natural~~Natural and should not be expected to support new fish hatchery aquacultural activity. On Woodland Creek, aquaculture activity should be limited to the existing fish hatchery operation with opportunity for limited expansion if no net loss can be achieved with the expansion.

Lacey's lakes do not have salmon runs. The residential character of the lakes is not compatible with commercial aquacultural operations. On lake properties designated ~~shoreline residential~~Shoreline Residential, aquaculture should be limited to activities that can meet standards in Section 17.47.010 and address compatibility issues with existing residential uses.

~~17.47.010 Aquaculture - Goals and Policies~~

~~**1. Goal: Provide opportunities for aquaculture and harvest of natural resources in a way that is compatible with the natural shoreline resource, complements specific reach designations and associated functions and values and meets requirements of the SMA.**~~

~~**A. Policy:** Allow aquaculture consistent with the shoreline environment designation and the SMA.~~

~~**B. Policy:** Design, locate and operate aquaculture activities in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.~~

~~**C. Policy:** Prohibit aquaculture where it would result in a net loss of shoreline ecological functions, would have a significant adverse impact on natural dynamic shoreline processes, or interfere with other water-dependent uses.~~

~~**D. Policy:** Accommodate the existing upland fish hatchery as a "pre-existing approved use" as long as it is operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.~~

~~**E. Policy:** Allow operation of aquaculture enterprises in a manner that allows navigational access of shoreline owners and commercial traffic.~~

~~**F. Policy:** Aquaculture structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located outside shoreline jurisdiction to minimize the detrimental impact to the shoreline and other shoreline uses.~~

~~**2. Goal: Ensure long term health and viability of the marine resource through wise management of the resource and sound aquaculture practices.**~~

~~**A. Policy:** Design, locate and operate aquaculture activities in a manner that supports long term use of the resource.~~

~~**B. Policy:** Give preference to an aquaculture use or activity that involves little or no substrate modification over those that involve substantial modification. The applicant should demonstrate that the degree of proposed substrate modification is the minimum necessary for feasible aquaculture operations at the site.~~

~~**3. Goal: Achieve compatible integration of aquaculture activities with other permitted uses in areas appropriate for this use.**~~

~~**A. Policy:** Minimize the detrimental impact aquaculture development might have on views from upland property.~~

~~**B. Policy:** Review proposed surface installations for conflicts with other uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation. Incorporate features to reduce use conflicts. Unlimited recreational boating should not be construed as normal public use.~~

~~**C. Policy:** Aquaculture processing plants that are not water dependant should be located outside of shoreline areas in an appropriate light industrial zone designed for manufacturing and processing activities.~~

Commented [AC91]: Table 4-1 #1

17.47.010 Aquaculture Standards:

1. Aquaculture shall not be permitted in areas where it would:

   A. Result in net loss ecological functions, particularly areas that currently support native salmon runs;

   B. Adversely impact eelgrass and macroalgae; and

   C. Significantly conflict with navigation and other water-dependent uses.

2. Aquaculture facilities shall be designed and located according to the following:

   A. To not spread disease to native aquatic life;

   B. Establish new nonnative species which cause significant ecological impacts;

   C. Significantly impact the aesthetic qualities of the shoreline; and

   D. Impacts to ecological functions shall be mitigated according to the mitigation sequencing.

3. The existing fish hatchery on Woodland Creek shall be given a status of "pre-existing approved use" with opportunities for limited expansion if the following standards can be satisfied:

   A. All standards of Section 17.47.010 can be satisfied; and

   B. Expansion will be the least physical expansion that can accommodate the objective.

C. Expansion shall be reviewed through a conditional use permit (CUP).

4. Commercial shellfish activity shall meet requirements of Section 17.35 and shall demonstrate no net loss of function and value with emphasis on impacts to the adjacent ~~natural~~Natural designation with other critical and sensitive habitat.

~~17.48.000 Bioengineering - Goals~~

17.48 Bioengineering

~~See General Goals, and Policies and Standards under Modifications, Section 17.45.~~

~~17.48.010 Bioengineering - Policies~~

~~1. **Policy:** Insure that permits for bioengineering projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.~~

~~2. **Policy:** Give preference in permitting to bioengineering projects which incorporate self-maintaining vegetation and materials over those which require routine maintenance.~~

~~3. **Policy:** Design and construct bioengineering projects to:~~
~~A. Ensure that water quality, fish and wildlife habitats and flood holding capacity are not degraded, and projects are timed so that the survival of new plantings is optimized;~~
~~B. Maximize the use of native vegetation;~~
~~C. Minimize the structural soil stabilization components, including riprap, to last only until vegetation is well established; and~~
~~D. Include vegetation, fencing and/or other measures to avoid disturbance of the project site by livestock and vehicles.~~

~~4. **Policy:** Limit the waterward extent of bioengineering projects to that which is necessary to achieve the intended results.~~

Commented [AC92]: Table 4-1 #1

17.48.0120 Bioengineering - Development Standards

1. Bioengineering shall be used to protect an existing single-family residence or to maintain access to an authorized shoreline use, as opposed to hard shoreline stabilization structures such as bulkheads, landfills, levees, dikes, groins, or jetties.

2. Bioengineering shall be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three (3) years.

3. Bioengineering projects shall incorporate the following:
   A. All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs and grasses, unless demonstrated infeasible for the particular site.

B. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully re-established within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.
C. Vegetation shall be incorporated into the vegetation management area to allow bank protection plantings to become established within three years. The vegetation management area shall exclude livestock, vehicles and activities that could further disturb the site.
D. All bioengineering projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.
E. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

17.49~~.000~~ Boating Facilities ~~– Goals & Policies~~

~~Goal: Meet demonstrated public need and demand for boating facilities for shoreline areas consistent with the City Comprehensive Plan for Outdoor Recreation, City Public Access Plan, shoreline designations and the overall emphasis on protection of shoreline natural functions and values.~~ For Boating Facilities Goals and Policies, see Section 17.70.

~~17.49.010 Marinas and Boat Launch Facilities – Discussion and Policies~~

Commented [AC93]: Table 4-1 #1

~~Goal: Meet demonstrated public need and demand for boating facilities for shoreline areas consistent with the City Comprehensive Plan for Outdoor Recreation, City Public Access Plan, shoreline designations and the overall emphasis on protection of shoreline natural functions and values.~~

~~**Discussion:** An existing small private marina for Beachcrest exists just east of the Butterball Cove area along the shoreline of Dewolfe Bight. It is the only marina on shorelines under Lacey jurisdiction. It was developed as part of the Beachcrest development in the late 1940s. Approximately half of the marina is within the City of Lacey and the rest is within Lacey's UGA and unincorporated Thurston County.~~

~~The existing private Beachcrest marina is considered a viable use and is expected to continue over the long term. At the same time, environmental impacts of the Beachcrest marina on the shoreline environment should be acknowledged.~~

~~Looking at the need for public marinas, there is little justification for location of a public marina in the Lacey area. The marine shoreline of Lacey is extremely limited and its sensitivity and designation~~

as Natural does not lend it to establishment of another marina use. The lakes under Lacey's jurisdiction are too small to have a need for or to support a marina.

Policies for marinas:

1. Policy: Expansion and maintenance or repair activities at the Beachcrest marina should follow the mitigation sequence.

2. Policy: The Beachcrest Community Association is encouraged to look for environmental restoration opportunities when performing marina maintenance or repairs. Incentives should be provided to the Beachcrest Community Association for activities that meet restoration objectives. Priority should be for restoration of degraded areas on this reach, as discussed in Lacey's Restoration Plan (Appendix 3).

3. Policy: Because the Beachcrest marina falls under the jurisdiction of both Thurston County and the City of Lacey, permitting activities may be complex for the Beachcrest HOA. To this end, the City of Lacey will support an interlocal agreement with Thurston County to have one jurisdiction be the lead local jurisdiction for permitting activities. The SMP of the lead jurisdiction per the interlocal agreement should be the SMP used to determine permitting process and requirements.

Policies for boat launch facilities:

1. Policy: The City's Comprehensive Plan for Outdoor Recreation and Public Access Plan should be used as a guide to determine public need for new boat launch facilities. Evidence of substantial demand should be given before considering approval of new facilities.

2. Policy: Locate boat launch ramps on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions or processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement and other river, lake, harbor and channel maintenance activities.

3. Policy: Where provided, require fuel handling and storage procedures that minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

~~4. Policy: Locate launch ramps to minimize the adverse effects upon fish and shellfish and their habitat(s).~~

~~5. Policy: Locate boat launching facilities in areas where parking and access to the facility can be accommodated without causing adverse impacts to adjacent properties.~~

~~6. Policy: Minimize off-site light and glare by using fully shielded and appropriately aimed fixtures.~~

~~7. Policy: Design boat launch facilities to provide for as many compatible water-oriented recreational uses as possible, according to the size and extent of the facilities.~~

~~8. Policy: All facilities should provide adequate parking and landscaping.~~

~~9. Policy: Boat launch facilities should be designed and conditioned to avoid and mitigate impacts to adjacent properties. This includes but is not limited to impacts such as wave action, erosion, and privacy issues.~~

~~17.49.015 Covered Moorage – Policies~~

~~Policy: Covered moorage in Lacey is considered un-necessary and would distract from the shoreline's aesthetic and functional values. This use should be prohibited.~~

Commented [AC94]: Table 4-1 #1

17.49.0120 Boating Facilities Development Standards

Marinas:

1. New marinas shall be prohibited until such time as there is a demonstrated need shown and the activity is planned for according to goals, policies and priorities in Lacey's Comprehensive Plan for Outdoor Recreation. The existing Beachcrest marina shall not be labeled nonconforming as a result of this provisional prohibition on new marinas.

2. If Lacey is the lead local jurisdiction for permitting under an interlocal agreement as described above, maintenance and repair activities at the Beachcrest marina shall comply with the

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provisions of Section 17.30.047. However, to facilitate and encourage restoration objectives, repair and maintenance activities to modifications that exceed the 50% threshold for normal repair and maintenance and considered replacement modifications under Section 17.30.047 shall qualify for an exemption. To qualify for exemption, such activity must:

~~1.~~A. Promote Lacey's restoration objectives as discussed in ~~Appendix 3~~the SMP Restoration Plan and other applicable portions of this SMP;
~~2.~~B. Result in a net gain of ecological function in this reach, as determined by the Administrator in consultation with applicable state resource agencies; and
~~3.~~C. Provide adequate documentation and analysis to make an informed decision on the environmental benefits of the proposed activity, as determined by the Administrator.

Boat Launch Facilities:

3~~1~~. Launch facilities shall be located in areas where there is adequate water mixing and flushing and shall be designed not to retard or negatively influence flushing characteristics.

4~~2~~. Launch facilities shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other lake or channel maintenance activities.

5~~3~~. All boating facilities shall utilize effective, environmentally friendly measures to prevent the release of oil, chemicals, or other hazardous materials onto or into the water.

6~~4~~. Restroom facilities shall be provided at boat launching facilities if determined necessary by the Administrator and appropriate given site classification and conditions.

7~~5~~. Launch facilities shall meet parking and landscaping requirements of the Lacey zoning code and the parking section (Section 17.60) of this SMP.

8~~6~~. A sign(s) shall be posted at boating facilities advising users of responsible conduct and care of the lake and will include the specific rules adopted by the proper authority over the lake and will generally have language similar in intent to the following: This lake provides recreation opportunities for all persons. Please respect its use and character, be kind and respectful and observe the rules adopted for this public resource: 1. Speed limited to ...; 2. Please don't litter; 3. Limit excessive noise; 4. Boating during daylight hours only; for help and assistance please phone (insert current Lacey Police phone number).

Covered Moorage:

9. New covered moorage is not permitted. Existing covered moorage may be maintained and is considered grandfathered but may not be expanded.

~~17.50.000 Breakwaters, Jetties, Groins and Weirs - Goals and Policies~~

17.50 Breakwaters, Jetties, Groins and Weirs

See General Goals, and Policies and Standards under Modifications, Section 17.45.

17.50.010 Breakwaters, Jetties, Groins and Weirs - Development Standards

There are no identified areas under Lacey's shoreline jurisdiction where these uses and structures would be needed or appropriate. Because of no demonstrated need they are listed as prohibited in all of Lacey's environmental designations.

17.51.000 Bulkheads Goals

17.51 Bulkheads

See General Goals, Policies and Standards under Modifications, Section 17.45.

17.51.010 Bulkheads - Policies

1. **Policy:** Insure that permits for bulkhead projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

2. **Policy:** Locate and design residential development along shorelines to make shoreline stabilization projects such as filling, bulkheading, or substantial grading of the site unnecessary.

3. **Policy:** Where new bulkheads are necessary, applications should be processed as a shoreline conditional use permit to consider natural shoreline functions, habitat, drainage treatment and water quality.

4. **Policy:** Where replacement of an existing bulkhead is necessary, emphasis should be placed on developing alternative naturalized concepts (soft stabilization).

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17.51.010 Bulkheads - Development Standards

1. Normal maintenance and repairs to an existing bulkhead that is designed and located for the protection of an existing single family home or accessory structure shall be exempt from permits if such repair and maintenance value is less than 50% of the replacement value of the bulkhead.
2. Where the value of repair of an existing bulkhead designed and located for the protection of an existing single family home or accessory structure is equal to or exceeds 50% of the value of the bulkhead it shall be considered a replacement and processed as a conditional use permit pursuant to requirements of Section 17.30.047.
3. Bulkheads shall be subject to mitigation sequencing outlined in Section 17.40.015 to assure no net loss of shoreline ecological functions.
4. A bulkhead may be allowed to protect an existing single-family residence or to maintain access to an authorized shoreline use after the Administrator has determined, based on a geotechnical analysis, that other techniques such as beach restoration and enhancement or bioengineering are not feasible (see also Section 17.45.015).

5. Bulkheads are prohibited on shores where valuable geohydraulic-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marshes, accretion shoreforms such as spits, hooks, bars or barrier beaches, on estuarine shores, in wetlands, on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration.

6. A bulkhead shall not be located waterward of the ordinary high-water mark except for shoreline stabilization as provided in Section 17.45.015 #3B.

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

8. The construction of a bulkhead for the primary purpose of retaining or creating dry land is prohibited~~, except as allowed by the fill development standards in Section 17.54~~.

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

10. The design of a bulkhead shall incorporate proper consideration of:
    A. Data on local geophysical conditions;
    B. Data on stream flow, velocity, and flood capacity; and
    C. Effects on adjacent properties.

11. The design and construction of bulkheads shall conform to all other applicable state agency policies and regulations including the Washington Department of Fish & Wildlife criteria governing the design of bulkheads.

12. Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of its face.

~~17.52.000 Buoy - Goals~~

17.52 Buoys

~~See General Goals, Policies and Standards under Modifications, Section 17.45.~~

~~17.52.010 Buoy - Policies~~

~~**1. Policy:** Insure that permits for buoy projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.~~

~~**2. Policy:** Give preference in permitting to moorage buoys over piers, docks, and float structures, especially in tidal waters.~~

~~**3. Policy:** Locate moorage buoys so as to:~~
~~A. Cause minimal interference with navigable waters and the public's use of the shoreline, and~~

~~B. Avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift, water circulation and quality, and fish and wildlife habitat.~~

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17.52.01~~2~~0 Buoy Development Standards

1. A private mooring buoy for an individual waterfront lot is allowed only if shared moorage was not developed as a part of that subdivision or development.

2. To prevent the proliferation of moorage facilities, only one mooring buoy or recreational float will be allowed per waterfront lot unless there is a demonstration of need. Such demonstration may include a community park or residential development where lot owners both on and away from the shoreline share a shoreline open space area. Such requests will be reviewed as a shoreline variance.

3. New mooring buoys shall not be located farther waterward than existing mooring buoys or established swimming areas on an adjacent lot, and shall not significantly interfere with use of waters for navigation.

4. Moorage buoys must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.

5. Moorage buoys shall comply with standards of the Washington Departments of Fish and Wildlife and the aquatic lease requirements of the Washington Department of Natural Resources.

17.53.000 Dredging - Goals

17.53 Dredging

See General Goals, Policies and Standards under Modifications, Section 17.45.

17.53.010 Dredging - Policies

1. **Policy:** Allow dredging only where it is necessary for assuring safe and efficient accommodation of existing navigational uses and when significant ecological impacts are minimized and mitigation is provided.

2. **Policy:** Limit maintenance dredging of established navigation channels and basins to maintaining previously dredged and/or existing authorized location, depth, and width.

3. **Policy:** Allow dredging in locations where a comprehensive management plan has been evaluated and authorized by local and state governmental entities.

4. **Policy:** Design and locate new development to avoid, or if that is not possible, to minimize the need for new and maintenance dredging.

5. **Policy:** Conduct dredging in such a manner as to minimize damage to natural systems in both the area to be dredged and the area for deposit of dredged materials.

6. **Policy:** Dispose of the dredged material at an approved disposal site when chemicals are present in concentrations high enough to cause significant harm to resident biota.

7. **Policy:** Plan and conduct dredging to minimize interference with navigation and adverse impacts to other shoreline uses, properties and values.

8. **Policy:** Allow dredging of less than five hundred (500) cubic yards as part of ecological restoration or enhancement, beach nourishment, public access or public recreation as an exemption; Provided such dredging is otherwise consistent with the policies and provisions of this master program.

9. **Policy:** Dredging should be limited to the following activities through a conditional use permit:
   A. In conjunction with a water-dependent use of water bodies or adjacent shorelands.
   B. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.
   C. Maintenance of irrigation reservoirs, drains, canals or ditches for agricultural and stormwater purposes.
   D. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width.
   E. Expanding, relocating or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses.
   F. Removal of gravel for flood management purposes consistent with an adopted flood hazard reduction plan and only after a biological and geomorphological study demonstrates that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological processes and functions and is part of a comprehensive flood management solution.
   G. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat.

~~H. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:~~
~~1) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.~~
~~2) The utility installation does not increase or decrease the natural rate, extent or opportunity of channel migration.~~
~~3) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.~~

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17.53.0120 Dredging Development Standards

1. All applications for permits which include dredging shall include a dredging plan which includes the following information:
   A. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this master program.
   B. A detailed description of the existing physical character, shoreline geomorphology and biological resources (including migratory, seasonal and spawning use) provided by the area proposed to be dredged, including:
      1) A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry depths based on Mean Lower Low Water (MLLW) and have data points at a minimum of 2-foot depth increments.
      2) A habitat survey must be conducted and WDFW must be contacted to ensure the survey is conducted according to the most recent WDFW eelgrass/macroalgae survey guidelines.
      3) Information on stability of bedlands adjacent to proposed dredging and spoils disposal areas.
   C. A detailed description of the physical, chemical and biological characteristics of the dredge spoils to be removed.
      1) Physical analysis of material to be dredged: material composition and amount, grain size, organic materials present, source of material, etc.
      2) Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.
      3) Biological analysis of material to be dredged.
   D. A description of the method by which materials will be removed, including facilities to address settlement and movement.
      1) Dredging procedure: length of time it will take to complete dredging, method of dredging and amount of materials removed.
      2) Frequency and quantity of maintenance dredging.
   E. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including but not limited to:
      1) Spoils disposal area, including:
         a) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
         b) Size and capacity of disposal site;
         c) Means of transportation to the disposal site;
         d) Proposed dewatering and stabilization of spoils;
         e) Methods of controlling erosion and sedimentation; and
         f) Future use of the site and conformance with land use policies and regulations.
      2) Total initial spoils volume.
      3) Plan for disposal of maintenance spoils for at least a fifty (50) year period.
   F. Hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging.

2. Toxic dredge spoil deposits shall not be placed on sites from which toxic leachates could reach shorelines and/or associated wetlands.

3. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.

4. No permit shall be issued for dredging unless it has been shown that the material to be dredged will not exceed the Environmental Protection Agency and/or Department of Ecology criteria for toxic sediments.

5. Dredging for the sole purpose of obtaining landfill material is prohibited.

6. The disposal of dredged material at a Puget Sound Dredged Disposal Analysis (PSDDA) open-water disposal site may be allowed when it is found:
   A. To comply with Department of Natural Resources leasing practices, Ecology Water Quality Certification process, and the U.S. Army Corp of Engineers permit requirements;
   B. To have been reviewed based upon the criteria and guidelines established in the Puget Sound Dredged Disposal Analysis (PSDDA) report;
   C. That the disposal within the nearshore environment for the restoration or enhancement of shoreline ecological functions and processes, such as beach nourishment, feeding or beach enhancement is not feasible; and
   D. That it protects or mitigates shoreline ecological functions and processes, such as:
      1) Offshore habitat will be protected, restored or enhanced;
      2) Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
      3) Shifting and dispersal of spoil will be minimal; and
      4) Water quality will not be adversely affected.

7. Dredging to construct canals or small basins for water ski landings or swimming holes is prohibited.

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

9. Dredging shall be limited to in support of water dependent uses, navigation, public access, and restoration. Dredging which will damage shallow water habitat used by salmon and steelhead for migration corridors, rearing, feeding and refuge shall be prohibited, unless the proponent demonstrates all of the following conditions are met:
   A. An alternative alignment or location is not feasible.
   B. The project is designed to minimize its impacts on the environment.
   C. The facility is in the public interest.
   D. If the project will create significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.
   E. Dredging for flood control is performed as a temporary action and needed in the course of implementing a long-term solution for a sediment transport problem identified in a comprehensive flood hazard management plan.

10. Proposals for dredging shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as: turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.

~~17.54.000 Grading and Fill – **Goals**~~

17.54 Grading and Fill

~~See General Goals, Policies and Standards under Modifications, Section 17.45.~~

~~17.54.010 Grading and Fill – Policies~~

~~1. **Policy:** Design and locate shoreline developments to avoid or, if that is not possible, to minimize the need for fill.~~

~~2. **Policy:** Use mitigation sequencing to limit the size and location of fills. Limit the size of fills and, when allowed, minimize its potential adverse impacts.~~

~~3. **Policy:** Design and locate shoreline fills to avoid loss of ecological values or natural resources, and to avoid creating a risk of significant injury to life or adjacent property.~~

~~4. **Policy:** Design the perimeter of a fill to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time. Natural appearing and self sustaining control methods are preferred over structural methods.~~

~~5. **Policy:** Fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.~~

~~6. **Policy:** Fills waterward of the ordinary high water mark should be allowed only when necessary to support:~~

~~A. A water dependent use.~~

~~B. A public access.~~

~~C. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean up plan.~~

~~D. Disposal of dredged material considered suitable under and conducted in accordance with the dredged material management program of the Department of Natural Resources.~~

~~E. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.~~

~~F. Mitigation action.~~

G. Environmental restoration.

H. Beach nourishment.

I. Enhancement project.

7. **Policy:** Prohibit the placement of fill in floodways or wetlands, unless part of an approved ecological restoration activity.

Commented [AC101]: Table 4-1 #1

17.54.0120 Grading and Fill - Development Standards

1. The use of solid wastes and organic debris in a fill, such as wood and other vegetative materials, is prohibited.

2. Fills shall consist of clean materials including such earth materials as clay, sand, and gravel, and also may include oyster or clam shells. In addition, concrete may be included in fill material if it is not liable to pollute ground water and is approved by the Administrator.

3. Fills, except for beach feeding, shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.

4. Fill areas shall be covered with sufficient earth material to support indigenous vegetative ground cover and replanted with vegetation to blend with the surrounding environment. To facilitate this purpose, fills shall comply with the requirements of LMC Chapter 17.41 regarding provisions for development and implementation of a Vegetation Management Plan.

5. Fills shall be allowed only when it can be demonstrated that the proposed action will not:
   A. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; and
   B. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.

6. Artificial beach maintenance (beach feeding) shall be allowed as a type of shoreline stabilization.

7. Fill which will interfere with public rights of navigation and rights corollary thereto shall not be permitted unless there is an overriding public interest.

8. Fill for the purpose of providing land to ensure the required distance for a septic tank drainfield is prohibited.

9. Fill for the sole purpose of creating new dry land is prohibited.

10. Fill within a floodway and the 100-year floodplain are prohibited.

11. Fill located waterward of the ordinary high water mark for the purpose of ecological restoration shall be allowed subject to a shoreline substantial development permit, rather than a shoreline conditional use permit.

12. Use of beach material for backfill with any shoreline stabilization project is prohibited. Fill is prohibited where structural shoreline stabilization is necessary to maintain the fill.

17.55.000 Floats (Recreational) – Goals

17.55 Floats (Recreational)

See General Goals, Policies and Standards under Modifications, Section 17.45.

17.55.010 Floats (Recreational) – Policies

1. **Policy:** Insure that permits for recreational float projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

2. **Policy:** Individual shoreline residents should consider joint use or community recreational floats.

3. **Policy:** Give preference in permitting to community recreational floats in new subdivisions or planned residential developments over those for individual properties.

4. **Policy:** Apply the pier and dock policies of Section 17.61 to recreational floats.

Commented [AC102]: Table 4-1 #1

17.55.0120 Floats (Recreational) - Development Standards

1. To prevent the proliferation of moorage facilities, only one mooring buoy or recreational float will be allowed per waterfront lot unless there is a demonstration of need. Such demonstration may include a community park or residential development where lot owners both on and away from the shoreline share a shoreline open space area. The request will be reviewed as a shoreline ~~variance~~conditional use permit.

Commented [AC103]: Per Ecology comment

2. A recreational float shall not be located farther waterward than existing floats or established swimming areas.

3. Single property owner recreational floats shall not exceed sixty-four (64) square feet. Multiple property owner recreational floats shall not exceed ninety-six (96) square feet.

4. The standards for recreational floats are as follows:
   A. Recreational floats anchored offshore and used for residential recreational uses shall comply with the following standards:
      1) Applicants shall contact the Washington Department of Natural Resources to inquire on the need for a aquatic lease for locating recreational floats within state aquatic areas; and
      2) When feasible, floats shall be removed seasonally and placed in an appropriate un-vegetated upland location.
   B. Recreational floats shall be located as close to shore as possible without interfering with natural beach processes or negatively affecting aquatic vegetation.
   C. Recreational floats shall not rest on the tidal substrate at any time. Floats shall be located (anchored) at sufficient depth to maintain a minimum of one (1) foot of draft between the float and the beach substrate at low tide.
   D. Recreational floats shall not exceed thirty (30) feet in length.
   E. Recreational floats shall comply with the following standards:

1) Floats with a width of six (6) feet or less shall incorporate a minimum of thirty percent (30%) functional grating into float surface area.
2) Floats with a width greater than six (6) feet that do not exceed eight (8) feet in width shall incorporate a minimum of fifty percent (50%) functional grating into the float surface area.
3) Recreational floats shall be anchored utilizing either helical screw or "duckbill" anchor; anchor lines shall not rest on or disturb the substrate.

5. Recreation floats must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.

17.56 Forestry/Mining

17.56.010 Forestry/Mining – Development Standards

Standard: Forestry and mining uses and activities are prohibited in any shoreline environment designation.

17.57~~.000~~ Historical and Archeological

~~**1. Goal: Preserve cultural artifacts as they are discovered and identified during the development process.**~~

~~**A. Policy:** Coordinate development review within the shoreline with the Washington Department of Archaeology and Historic Preservation, Certified Local Governments, and affected Indian tribes regarding historic or archaeological interest.~~

~~**B. Policy:** Report the discovery of a historic or prehistoric site during excavation or development to the Washington Department of Archeology and Historic Preservation and to the affected Indian tribes.~~

~~**2. Goal: Preserve examples of structures from Lacey's history for the education and enjoyment of future citizens.**~~

~~**A. Policy:** Encourage the enrollment of historic structures or sites on the federal, state or local historic registers.~~

Commented [AC104]: Table 4-1 #1

17.57.01~~2~~0 Historical and Archeological - Development Standards

1. The protection, rehabilitation, restoration, and reconstruction of historic structures shall be governed by The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Applying the Standards (1992), as amended.

2. The discovery of a historic or pre-historic site during excavation or development shall be reported to the Administrator, the Washington State Department of Archaeology and Historic Preservation, and the affected Indian tribes.

3. The construction of historical replica buildings may be allowed within the boundaries of a national historic district with a shoreline conditional use permit.

4. The City shall consult with the Washington State Department of Archaeology and Historic Preservation and the affected Indian tribes when known sites are proposed for development. Their comments and recommendations shall be given substantial weight, which may result in denying a development permit where the historic or archaeological value of the site outweighs the development value.

5. Where the protection of a historic or archaeological site is a concern to the administrator of the City's Certificate Local Government Program, a shoreline conditional use permit shall be required for any use or development.

6. Developers and property owners shall immediately stop work and notify the local government, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

~~1.~~7. Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

17.58.000 Instream Structures, Dikes and Levees - Goals and Policies

17.58 Instream Structures, Dikes and Leveess

1. Goal: See General Goals, Policies and Standards under Modifications, Section 17.45.

2. Goal: Protect and preserve natural systems and functional values while providing some limited flexibility to intervene with improvements to natural systems where necessary to protect the public's health and safety.

   A. Policy: When dikes, levees and instream structures are allowed, compliance with the mitigation sequence should be required to assure there will be a loss of fish and wildlife resources, natural systems including wetlands, or other critical areas and ecological functions. If compensatory mitigation is necessary, dikes, levees and instream structures should be subject to the following:

      1) The mitigation required should be commensurate to the value and type of resource or system lost. No net loss in ecological function, value or acreage shall occur from such development.
      2) Where mitigation for loss of ecological functions is required, a mitigation plan should be prepared by the applicant/proponent that details the objectives of the mitigation activities.
      3) Mitigation activities should be monitored to determine the effectiveness of the mitigation plan. Monitoring should be accomplished by a third party subject to the approval of the City/County and the Department of Ecology. Results of monitoring shall be publicly available.
      4) If mitigation is found to be ineffective, corrective action that satisfies the mitigation objectives should be required of the proponent.
      5) If the mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application should be denied.

Commented [AC105]: Table 4-1 #1

17.58.0120 Instream Structures, Dikes and Levees - Development Standards

1. New dikes and levees may be constructed upon obtaining a conditional use permit as part of a shoreline environmental restoration project, a state-approved comprehensive flood control management plan, an approved watershed plan, or an approved stormwater drainage basin plan.

2. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or stream area unless part of a comprehensive flood and habitat plan.

3. Dikes and levees shall not be placed in the floodway except for current deflectors necessary for protection of bridges and roads.

4. Dikes and levees shall be subject to following:
   A. Such works shall be located and designed to promote no net loss of shoreline ecological processes and functions.
   B. Such works shall be limited in size to the minimum height required to protect adjacent lands from the protected flood stage.
   C. Such works shall be set back to the greatest extent feasible landward of the floodway and ordinary high water mark.
   D. Such works are to be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity.
   E. Such works shall not interfere with channel migration except to protect existing structures.
   F. Such works shall be designed and constructed to meet Natural Resources Conservation Service technical manual standards.
   G. Such works shall be constructed in coordination with the Washington Department of Fish and Wildlife.

5. Instream structures shall be permitted only when it is demonstrated by engineering and scientific evaluations that:
   A. They are necessary to protect health/safety and/or existing development.
   B. Non-structural flood hazard reduction measures are infeasible.
   C. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.

6. Instream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, side channels, islands and braided channels.

7. Instream structures shall be designed to avoid modifying flows and water quality in ways that may adversely affect critical fish species.

8. Instream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters.

17.60.000 Parking - Goals and Policies

17.60 Parking

1. **Goal: Achieve a proper balance in providing parking for public shoreline access points while deemphasizing use of the automobile and reducing associated impacts on shoreline areas and adjacent residential neighborhoods.**

   A. Policy: Management of public access sites should have an emphasis on reduction of drive alone vehicles and associated impacts. Design should mitigate impacts from automobile use and infrastructure on sensitive areas and adjacent neighborhoods.

   B. Policy: Emphasize reduction in automobile parking pursuant to Chapter 16.72, Table 16T-13, of the Lacey zoning code.

   C. Policy: Parking should be the least amount necessary to serve the intended use.

   D. Policy: Encourage availability of alternative forms of transportation for uses located within shoreline jurisdiction. Encourage design emphasis in walking and biking consistent with the Comprehensive Land Use Plan.

   E. Policy: Where public access points have limited parking facilities, measures should be taken to discourage use of adjacent residential streets for parking.

   F. Policy: Allow parking within the shoreline jurisdiction only for an authorized use.

   G. Policy: Design and construct parking facilities to minimize off-site light and glare.

   H. Policy: Locate parking facilities as far landward of the ordinary high water mark as possible. Where possible, parking and road infrastructure should be located outside shoreline jurisdiction in an upland area and buffered from adjacent residential neighborhoods.

   I. Policy: Link parking facilities with the shoreline uses they serve with walkways.

Commented [AC106]: Table 4-1 #1

17.60.0120 Parking Development Standards

1. Parking facilities within the shoreline jurisdiction shall only be allowed as necessary to support an authorized use. Any other type of parking is prohibited.

2. Parking facilities shall be located landward of the principal building or use and outside of the shoreline setback and vegetation management area, except when the parking facility is within or beneath a structure and adequately screened, or in cases when an alternate orientation would have less adverse impact on the shoreline, as determined by the Administrator.

3. Over water parking facilities are prohibited.

4. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties.

5. Parking facilities shall provide safe and convenient pedestrian circulation within the parking area and to the shoreline or use.

6. Refer to Section 17.XX~~70.010~~ for water quality development standards which includes on-site stormwater control measures. Also refer to Sections 17.40 (Shoreline Ecological Function) and 17.41 (Vegetation Management).

Commented [AC107]: To be updated

7. Parking facilities shall be designed and constructed in accordance with Chapter 16.72 (zoning chapter) of the Lacey Municipal Code.

8. Parking facilities are subject to mitigation sequencing.

~~17.61.000 Piers and Docks - Goals~~

~~See General Goals and Policies for Modifications~~

~~17.61.010 Piers and Docks - Policies~~

~~**1. Policy:** Recognize that there will be few opportunities, if any, for marine piers/docks in Lacey, unless developed, owned and managed by the City of Lacey.~~

~~**2. Policy:** Ensure that permits for pier and dock projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.~~

~~**3. Policy:** Give preference in permitting to moorage buoys and to community piers, docks and floats in new subdivisions or planned residential developments over those for individual properties.~~

~~**4. Policy:** Require applications for piers and docks on individual properties to provide the following:~~
~~A. Document why a moorage buoy or recreational float would not provide suitable access to the water; and~~
~~B. Describe the mitigation to be provided so that the project will not cause a net loss in shoreline ecological functions.~~
~~C. Consideration of shared moorage.~~

~~**5. Policy:** Design and locate piers and docks to minimize obstructions to scenic views and conflicts with recreational boaters and fishermen.~~

~~**6. Policy:** Locate piers and docks so as to:~~
~~A. Cause minimum interference with navigable waters and the public's use of the shoreline; and~~
~~B. Avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift, water circulation and quality, and fish and wildlife habitat.~~

~~**7. Policy:** Construct piers and docks of materials that will not adversely affect water quality or aquatic plants and animals over the long term.~~

8. **Policy:** Minimize the length and size of any dock, pier or float.

9. **Policy:** Use materials that will allow light to pass through the deck for walkways or gangplanks in nearshore areas.

10. **Policy:** Encourage the development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands as part of an overall recreation plan or development.

Commented [AC108]: Table 4-1 #1

17.612.000 Recreation

1. Goal: Integrate planning for public recreation needs and access to shoreline areas with the City's Comprehensive Plan for Outdoor Recreation and Public Access Plan and the Comprehensive Land Use Plan.

A. Policy: Acknowledge a priority for recreational development along shorelines.

B. Policy: Link shoreline parks and public access points through open spaces, public land, designated

~~sensitive and resource areas and other areas that are pedestrian and neighborhood focus points. Such linkage can include hiking paths, public parks, designated tree tracts, open space in plats, sensitive areas and buffers, bicycle paths, and scenic drives/walks located close to the water's edge.~~

~~C. Policy: Encourage the development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands as part of a city recreation plan, or private development.~~

~~D. Policy: Acquisition priority should consider need and special opportunities as well as access by public and other modes of transit.~~

~~2. Goal: Provide public access and recreation opportunities within shoreline areas appropriate for the use as identified within the City Comprehensive Plan for Outdoor Recreation, Shorelines Public Access Plan, and Shoreline Environment Designation.~~

~~A. Policy: Consider all recreational development projects on the basis of their compatibility with the environment.~~

~~B. Policy: Plan public access to recreational locations to prevent concentration of use pressures and avoid use conflicts.~~

~~C. Policy: Design recreational developments to preserve, enhance, or create scenic views and vistas. Ensure that the design of recreational projects complement their environment.~~

~~D. Policy: Locate parking areas for recreation upland, away from the immediate edge of the water and recreational beaches. Link the parking to the shoreline by walkways. See Section 17.60.020.~~

~~E. Policy: Allow facilities for intensive recreational activities only where sewage disposal and pest control can be accomplished to meet public health standards without having an adverse impact upon the environment.~~

~~F. Policy: Allow passive recreational uses in floodplains as long as ecological processes and functions are maintained and the use does not require structures or public infrastructure.~~

~~G. Policy: Assure that recreational development is given priority and is primarily related to access to, enjoyment of and use of the water and shorelines of the state.~~

~~H. Policy: Design of public access points should consider the context of the neighborhood in which it is located and the expected parking demand. Large public recreation sites for active use should have upland parking to accommodate the recreation use. However, smaller access or observation points associated with a walking trail may not require any parking.~~

~~I. Policy: Reduced or limited parking may be a strategy to limit automobile use and maintain existing neighborhood character. Such areas should be closely monitored to assess impact of user parking on adjacent residential streets.~~

Commented [AC109]: Table 4-1 #1

17.6~~12~~.0~~13~~0 Recreation Development Standards

1. Public recreational development and public access associated with recreation facilities shall be located, designed and operated in a manner consistent with the purpose of the shoreline environment designation and that avoids then minimizes the impact on shoreline ecological functions.

2. Non-water oriented facilities or structures and non-water oriented recreation uses are to be setback one hundred (100) feet from the ordinary high water mark as described in Table 4.

3. Recreational events and temporary uses in the public interest may be approved by the Administrator when those uses will not damage the shoreline area.

4. Public or private recreation areas which cater to the use of all-terrain or off-road vehicles as the primary recreational activity are prohibited within shoreline jurisdiction.

5. Recreational developments shall be designed with consideration of public access and public view corridors.

6. Recreational developments shall provide facilities for nonmotorized access, such as pedestrian, bicycle and/or equestrian path links to the shoreline.

7. All shoreline public access associated with recreation or recreational facilities shall be marked with signs approved by the Administrator.

8. For pedestrian paths or trails to and along the water's edge, refer to Sections ~~17.46.000 and~~ 17.46.020 and 17.XX, Water Quality.

9. Refer to Section 17.70.010 for the water quality development standards which includes on-site stormwater control measures. Also refer to Sections 17.40 (Shoreline Ecological Function) and 17.41 (Vegetation Management).

Commented [AC110]: Update reference at the end

17.63.000 Residential Development Goals and Policies

1. Goal: Achieve development of residential areas in a way that does not interfere with natural shoreline processes. Ensure new residential development, infill and redevelopment within shoreline jurisdiction is sensitive to and complements shoreline ecological functions

A. Policy: Residential development should be planned, designed and constructed to avoid then minimize adverse environmental and visual impacts, to be complementary to the shoreline environment and its natural processes and to promote a no net loss of ecological functions.

B. Policy: Residential development should be located so that future shoreline stabilization or armoring is not necessary to protect it.

C. Policy: Residential development should be designed to minimize impacts to views from surrounding homes and viewpoints.

D. Policy: The removal of non-invasive riparian vegetation for residential development should be discouraged and should follow the mitigation sequence.

E. Policy: Open space required through the subdivision code in new residential subdivisions should also promote shoreline goals for resource protection if the subdivision is within shoreline jurisdiction.

F. Policy: Shoreline access segments on residential lots should be designed and located in accordance with the mitigation sequence to avoid and minimize impacts to native vegetation and shoreline ecological functions.

G. Policy: Where non-native or invasive species are present along residential waterfront property, restoration of degraded areas is encouraged.

H. Policy: If alternatives to native species are used in accordance with Section 17.41, the alternative landscaping should provide the same functions as native vegetation.

I. Policy: Lacey should provide information to citizens about the need for and benefits of shoreline protection and restoration and the role of vegetation management in water quality and a healthy shoreline.

2. Goal: Provide the opportunity for residential development in appropriate shoreline areas and in a variety of forms that are best suited to accomplish objectives of this SMP. Land use form should promote no net loss of function or value with design complementary to and integrated with the natural processes and functions of the shoreline.

A. Policy: Form, density, design, layout and functionality of residential development should be compatible and sensitive to the shoreline designation, natural processes and to environmental limitations.

B. Policy: Clustering of residential development should be encouraged to minimize the potential for adverse impacts to shoreline ecological functions and to encourage larger, consolidated blocks of open spaces.

C. Policy: Clustering should be used with incentive programs that involve the transfer of density to an upland portion of the site outside of shoreline jurisdiction.

D. Policy: Utilize provisions in the City's subdivision code to prevent the segmentation of critical in new subdivisions, by placing critical areas in separate tracts that are deeded to the City.

E. Policy: New over water residential development should not be authorized.

3. Goal: Integrate residential development in shoreline jurisdiction with growth management planning, and provide opportunities that promote GMA strategies, quality residential neighborhoods, shoreline protection and restoration of shoreline resources.

A. Policy: Residential development should only be allowed when there are adequate provisions for utilities, circulation and access as provided for in the Comprehensive Land Use Plan.

B. Policy: The findings of the shoreline inventory and characterization should be integrated into GMA planning and buildable lands work to ensure protection of shoreline resources is given higher priority than expectations for infill when contemplating development.

4. Goal: Provide for Lacey's shoreline access needs through thoughtful planning, design, layout and location of new residential development and residential land divisions.

A. Policy: Residential development should provide for the access needs of residents of the development as well as opportunities for public access identified in Lacey's Public Access Plan. Access opportunities should depend on the nexus identified for each project.

B. Policy: Open space in residential subdivisions should be designed to accommodate the intended use(s) and intended uses should be appropriate to the capacity of the shoreline resource to support it. Where appropriate, reserve shoreline open space tracts in a relatively undeveloped state, balancing competing interests for open space consistent with Lacey's Urban Forest Management Plan, Public Access Plan, land division open space policies and the goals of this Shoreline Master Program.

C. Policy: Provide public access as a part of a residential development in locations where there has been significant historic usage by the public. Historic use is regular use by the public over a period of years rather than incidental or occasional use by one or only few members of the public. This policy is not intended to apply to construction of an individual dwelling on a single lot.

Commented [AC111]: Table 4-1 #1

17.63.025 Residential – Development Standards

1. **Permitted Uses and Activities:** Residential uses/activities and development shall be permitted according to environment designations as outlined in Section 17.24.010, Table 3. Residential activity, use, or development shall not result in a net loss of shoreline ecological functions and values and shall follow the mitigation sequence.

2.1. **Prohibited Uses:** Prohibited residential uses are identified in Table 3. New over-water residences are prohibited.

3.1. **Density:** Residential densities on authorized on lands within shoreline jurisdiction are identified in Section 17.24.015, Table 4.

4.1. **Housing Form:** Residential housing forms permitted within each shoreline environment designation are outlined in Table 3. A range of housing form options are provided to encourage projects that are compatible with shoreline resources, meet GMA goals for density and provide a quality residential environment.

5.1. **Clustering:** Compact housing forms that consolidate large areas of open space by reducing individual lot size and clustering units and/or lots shall be encouraged. This provides the opportunity for a design that can achieve a higher level of compatibility with the shoreline environment. This may include condominium, townhome, courtyard cottage or other design forms that accomplish the same objectives.

1.6. **Design:** Design of residential structures shall incorporate and follow to the extent possible existing, natural topographic contours. Residential development shall be sufficiently setback

from the OHWM or otherwise located so that future shoreline stabilization or armoring is not necessary to protect it.

7. **Bulk and Dimensional Standards:** All development within shoreline jurisdiction shall meet setback and vegetation management area requirements as outlined in Section 17.24.015, Table 4, Section 17.41, and all other applicable sections of this SMP. Any modifications to the dimension, content or vegetation within such areas shall also comply with all policies and standards in this SMP.

8. **Setbacks for Porches/Decks/Steps:** Uncovered porches, decks or steps attached to principle residential structures may project into the required setback from the OHWM provided all of the following requirements are met:

   A. Uncovered porches and decks are limited to an 8 foot deep encroachment and the structure may be no higher than thirty (30) inches above average grade;

   B. Material used for porches shall be pervious and approved as a low impact development material by the City;

   C. Uncovered porches and decks that encroach on the OHWM setback shall follow the mitigation sequence, and provide compensatory mitigation for any unavoidable impacts to the vegetation management area by providing vegetation proportionate to the surface area covered by the encroachment elsewhere in the vegetation management area; and

   D. The structure does not compromise other goals, policies or standards of this Shoreline Master Program.

9. **Front Yard and Side Yard Setback:** The following is the requirement for front and side yard setbacks:

   Front yard setback: 20 feet from the fronting right of way, provided this may be reduced to 10 feet if the garage is recessed behind the front façade of the house. This applies to all urban housing forms.

   Side yard setback: For detached housing forms, 5 feet or a minimum 10 foot separation. Attached or "zero lot line" developments shall observe side yard setbacks in accordance with the applicable design or development chapter of the Lacey Municipal Code.

   To accommodate better preservation or protection of shoreline ecological function, an applicant may request a modified front or side yard setback. The unique setback shall be based on a particular development concept and design that is justified for the targeted urban form and shall demonstrate an ability to protect resources and fulfill other purposes of setbacks and structure separation equivalent to standard setbacks. The burden of demonstration will be on the applicant. Approval of any modification is at the discretion of the City.

10. **Size and Shape of Single Family Detached Lots:**

   - A. Minimum lot area, seven thousand five hundred (7,500) square feet or as permitted under another development concept such as clustering, as provided in this section of the SMP or in LMC Section 14.23.072, particularly LMC Section 14.23.072 (L).

   - A. Minimum lot width, fifty (50) feet.

11. Size and Shape of Lots Intended for Attached Single Family Development: Lots intended for attached single family residences shall be reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and the project is reviewed and approved subject to design requirements of LMC Section 14.23.080.

12. Maximum Building Area Coverage: Fifty (50) percent.

13. Maximum Development Coverage: Residential lot development coverage standards for lots within shoreline jurisdiction are identified in Section 17.24.015, Table 4.

14. Maximum Height: For principle structures, as described in Table 4. The maximum height for a residential accessory building is sixteen (16) feet. An additional two (2) feet in height shall be permitted for any residential structure with a green roof occupying at least fifty percent of the area of the roof, as long as such additional height does not block the view of a substantial number of existing residences.

15. Accessory buildings: All accessory buildings shall comply with the setback, critical area buffer and vegetation management area provisions of this SMP; however, if an accessory building is less than two hundred square feet in total size, the following side and front yard setbacks are permitted provided the OHWM setback shall not be reduced:

A. Front yard, fifteen (15) feet.
B. Side yard, five (5) feet.

Accessory buildings shall be constructed in such a manner as to be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use. Such uses shall generally meet the same design requirements of the primary structures and shall result in no net loss of shoreline ecological functions.

1.**16. Design Review:**

A. Unique Shoreline Qualities:

In shoreline areas, emphasis will be placed upon protection and long term management of shoreline resources and public use based on unique opportunities specific sites may provide.

B. Emphasis for Shoreline Areas:

1.1)Specific shoreline emphasis will be for integration of the development with a site's specific unique shoreline features and preservation and respect for the site's natural processes and functions.

2.1)Emphasis will include design for a sustainable development that will have minimal impact upon the environment and provide an opportunity for residents to enjoy the shoreline resources.

C. Residential Development within shoreline jurisdiction shall comply with all applicable standards of LMC 14.23, Design Review.

17. Views:

A. Development in shorelines jurisdiction shall allow views for new residents while maintaining views enjoyed by surrounding residents and the traveling public.

B. To the extent reasonable objectives of the builder can be achieved, residential development shall be arranged and designed to:
1) Protect views, vistas and aesthetic values of the shoreline;
2) Minimize impacts to the character of the shoreline environment;
3) Minimize impacts to the views neighboring property owners enjoy.

18. Public Access: Public access shall be considered, evaluated, required, located, planned, designed, constructed and maintained in accordance with the provisions in Section 17.46 and Appendix 1 of this SMP.

17.63.034 Shoreline Access Incentive Dedication Agreement - Density Credit

A.**1. Density Bonus:**

A. With a Shoreline Access Incentive Dedication project implemented under the development agreement process of RCW 36.70B, and provisions of LMC 16.58 and Section 17.46 of this SMP, density credit available for transfer to receiving sites outside of shoreline jurisdiction shall be granted for up to 20 units per gross acre in the Shoreline Residential, Urban Conservancy and Natural designations.

B. To qualify for the density credit, the shoreline project shall include dedication of the 200 foot shoreline jurisdiction area to the public and transfer of the development and density credit to lands outside of the 200 foot shoreline designation and to a receiving area approved by the City. Receiving sites may include lands within the same ownership, a contiguous ownership, or any other site reviewed and approved by the Administrator.

B.**1. Receiving Sites Location and Criteria for Development:**

Receiving site(s) shall meet criteria established in LMC 16.58.

C.**1. Wetlands Excluded from Calculations:**

Wetlands and lands below the ordinary high water mark shall not be included in calculations of lot area or allowed densities.

17.63.038 Environmental Performance Standards

1)**1. Nuisance Characteristics:**

Authorized residential uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other uses in the area, or which are of a quality or quantity not normally associated with such a residential use.

2. Dedication of Critical Areas:

- Design of land divisions and location of land uses shall protect streams, wetlands, wetland buffers, floodways, channel migration zones, and geologic hazards by locating these features within a separate tract or parcels when land division is proposed. Such areas shall be dedicated to the City of Lacey or held in common by the subdivision landowners as determined by the City pursuant to LMC 14.28.030.

17.63.039 Off-Street Parking

Off-street parking standards shall be provided in accordance Chapter 16.72 of the Lacey Municipal Code.

17.63.040 Landscaping

Landscaping Required Generally:

Preservation, maintenance and revegetation or landscaping of residential lots or subdivisions shall be required in accordance with all applicable standards of Section 17.41of this SMP and LMC 14.32, LMC 16.12, and LMC 16.80.

17.63.045 Stormwater Runoff

1. General Requirement:

- All requirements of the Lacey Drainage Manual shall be satisfied.

2. Special Drainage Considerations in a Shoreline Designation:

A. An emphasis shall be placed on low impact development techniques.

B. Infrastructure associated with community stormwater systems shall not be located within shoreline jurisdiction, where feasible. In no case shall community drainage improvements, other than natural landscaping, be placed within a designated setback area and its associated vegetation management area. This does not apply to rain gardens for a single family residence on an individual lot.

C. All applicable requirements of Section 17.70 of this SMP shall be satisfied.

17.635.000 Revetments and Gabions - Goals

17.62 Revetments and Gabions

See General Goals, Policies and Standards under Modifications, Section 17.45.

17.65.010 Revetments and Gabions - Policies

1. **Policy:** Insure that permits for revetment and gabion projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.

2. **Policy:** Apply the bulkhead policies listed in Section 17.51 to revetments and gabions.

17.625.0120 Revetments and Gabions - Development Standards

Revetments or gabions shall meet all development standards applied to bulkheads; see Section 17.51.020.

17.646.000 Scientific or Education – Goals, Policies and Standards

17.63 Scientific or Education

1. Goal: Provide opportunities for the scientific community to study shoreline processes and functions without long term impact to these resources.

A. Policy: Conduct scientific studies and educational uses of the shoreline in a way to minimize impacts in accordance with the applicable environmental designations.

B. Policy: Require a shoreline permit for scientific and educational activities which may significantly affect water quality or natural systems.

C. Policy: Scientific or educational uses and activities are limited to those which will not:

1) Jeopardize existing wildlife populations or organisms;

2) Permanently alter the character of biological habitats; and

3) Degrade the character of the shoreline environment in which they are located.

D. Policy: Temporary disruptions of biological systems may be permitted when a scientific activity will result in their restoration or improvement and sustain requirements for no net loss of ecological function.

E. Policy: Permits encompassing a variety of scientific or educational activities over an extended period of time may be granted provided that limits on the duration of approval are established.

BAF. PolicyStandard: Temporary facilities necessary for the conduct of a scientific project shall be removed at the conclusion of the prescribed research activity period.

Commented [AC112]: Table 4-1 #1

CBG. Standard: Proposals for shoreline development or use in or on known sites of scientific value that would adversely affect, damage, or diminish such resources shall be

prohibited unless all identified impacts can be mitigated. Such proposals shall be reviewed through a conditional use permit.

17.6~~45.000~~ Signage ~~Goals and Policies~~

~~Goal: Provide aesthetically attractive shorelines free from clutter of signage.~~

~~A. Policy: Prohibit billboards within all shoreline environment designations.~~

~~B. Policy: Only authorize signs consistent with the residential and public use of shorelines. Signs will generally be limited to municipal traffic, municipal pedestrian circulation, and small private signage providing circulation, location and use information to the public necessary for the use and enjoyment of shoreline facilities/area.~~

~~C. Policy: Design and locate signs to insure compatibility with the shoreline environment designation, and adjacent land and water uses.~~

Commented [AC113]: Table 4-1 #4

Commented [AC114]: Table 4-1 #1

17.6~~47~~.0~~12~~0 Signage - Development Standards

1. Off-premise signs are prohibited within any shoreline environment designation. Traffic and "wayfinding" signs are not to be considered off-premise signs.

2. All public access shall be marked with signs approved by the Administrator.

1. ~~3.~~ Signs for a public or community marina or launch ramp facility shall be limited to one sign oriented to the water, not exceeding fifteen (15) feet in total height from average grade.

2. Prohibit all commercial signing within the shoreline jurisdiction, with the exception of home occupation identification signs as provided in LMC Section 16.75.090.

Commented [AC115]: Table 4-1 #4

5~~4~~. Additional sign regulations can be found in LMC Chapter 16.75.

17.668.000 Transportation - Goals and Policies

17.65 Transportation

1. **Goal: Integrate the Lacey Transportation Plan into transportation planning for lands under shoreline jurisdiction.**

A. Policy: Rely upon the transportation map within the Transportation Element of the City of Lacey Comprehensive Land Use Plan to identify new transportation crossings or corridors within shoreline areas.

2. **Goal: Protect shoreline resources by keeping road infrastructure out of shoreline areas whenever possible.**

A. Policy: Locate arterials, freeways, and railways outside of shoreline jurisdiction unless there are no feasible alternatives.

B. Policy: If necessary to locate in shoreline jurisdiction, roads, shared use paths, and railroads should be located as far landward as possible.

3. **Goal: Ensure impacts are mitigated when there is no feasible alternative to locating needed transportation infrastructure in shoreline jurisdiction.**

A. Policy: Use mitigation sequencing per Section 17.40.015 to locate new transportation corridors and facilities within shoreline jurisdiction.

B. Policy: Roads, shared use paths, and railroads should be designed, constructed and maintained to minimize erosion and to permit natural movement of ground water and flood waters.

C. Policy: Piers and bridges are preferred to the placement of fill within the shoreline jurisdiction for roads, shared use paths, and railroad crossings.

D. Policy: Construction debris, overburden, and other waste materials should be disposed of in such a way as to prevent their entry into any surface water body by erosion from runoff, high water, or other means.

Commented [AC116]: Table 4-1 #1

17.658.0220 Transportation - Development Standards

1. Roads, shared use paths, and railroads shall be designed to cross shoreline jurisdiction areas by the shortest, most direct route feasible.

2. Future transportation facilities and corridors within shoreline jurisdiction shall be prohibited unless shown/included on the City's Transportation Plan Maps/Figures.

3. Bridges for roads, shared use paths, and railroads may be located within salmon and steelhead habitat provided that the following conditions are met:

   A. The ~~mitigatation~~mitigation sequence is followed, and

   B. Open-piling and piers required to construct the bridge may only be placed waterward of the ordinary high water mark if no alternative method is feasible.

4. The placement of fill for roads, shared use paths, and railroads may be allowed waterward of the OHWM if:

   A. All structural and upland alternatives have been proven to be infeasible,

   B. The transportation facilities are necessary to support uses consistent with this master program, and

   C. The mitigation sequence is followed.

5. Appropriate design and erosion control techniques shall be used to construct or repair roads, shared use paths, and railroads to assure no net loss of shoreline ecological functions.

6. A shared use path may be allowed within the required setback from the ordinary high water mark without a variance when on an abandoned railroad corridor or waterward of the OHWM on a boardwalk without a variance if mitigation sequencing is followed.

7. Refer to Section 17.68~~70~~.020 for the water quality development standards which includes on-site stormwater control measures. Also refer to Sections 17.40 (Shoreline Ecological Function) and 17.41 (Vegetation Management).

17.679.000 Utilities - Goals and Policies

17.66 Utilities

1. Goal: Provide opportunity for utilities serving shoreline areas while respecting the special function of these resource areas and maintaining their natural beauty.

A. Policy: Locate utilities outside of shoreline jurisdiction unless there are no feasibile alternatives. When necessary, locate them as far landward as possible and preserve the natural landscape, shoreline ecology, and minimize conflicts with present and planned land uses. Choose locations that do not obstruct or destroy scenic views whenever utilities must be placed in a shoreline area.

B. Policy: Place utilities underground and design them to do minimal damage to the aesthetic qualities of the shoreline area. Where compelling reasons exist to place utilities above ground based upon impacts to ecological functions or values, this may be permitted with full mitigation of aesthetic impacts.

2. Goal: Provide for the utility needs of authorized uses within shoreline jurisdiction while minimizing impacts to the environment and to the values and functions of the shoreline resource.

A. Policy: When utility placement occurs within shorelines, restore banks to their pre-project configuration, replant with native species, and maintain the site until the new vegetation is established.

B. Policy: Design and locate sewage treatment, water reclamation, desalinization and power plants and associated infrastructure so as to be compatible with and not to interfere with recreational, residential or other public uses of the water and shorelands.

C. Policy: Recycling or land disposal of sewage wastes is preferred to new sewage outfalls to shoreline waterbodies. Where no alternative to outfalls into water exist, the location is to be part of a management plan.

D. Policy: Use utility rights-of-way for public access to and along shoreline waterbodies where feasible.

E. Policy: Where utilities must cross a body of water, design and construct bridge-like structures for above water crossing of utilities or bore utilities rather than using trenching with fill.

F. Policy: Mitigation sequencing per Section 17.40.015 should apply when locating new utility corridors within shoreline areas. Co-locate new major transmission facilities along existing utility corridors where possible.

Commented [AC117]: Table 4-1 #1

17.669.0120 Utilities - Development Standards

1. Utility facilities and lines shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

2. Utility facilities and lines shall be located outside of the shoreline area where feasible. When the utility needs to be located within shoreline jurisdiction, mitigation sequencing pursuant to Section 17.40.015 shall be used to justify the location. Existing rights of way and utility corridors shall be used, to the extent feasible.

3. In-water utility corridors may be located within salmon and steelhead habitat provided that the following conditions are met:
   A. An alternative alignment is not feasible,

   B. The project is located and designed to minimize its impacts on the environment,

   C. Any adverse impacts are mitigated,

   D. Any fill, other than required for refilling the trench where the utility is placed, is located landward of the ordinary high water mark, and

   E. Open-piling and piers required to construct a bridge necessary for a utility crossing may be placed waterward of the ordinary high water mark if no alternative method is feasible.

4. Utility facilities and lines shall document how the size of the facility or line has been minimized within the shoreline area.

5. Utility facilities and lines shall identify methods of revegetation of the affected area to pre-development conditions where feasible, replant with native or pre-existing species, and make provisions for the maintenance and care for the newly planted vegetation.

6. Accessory utility services to primary authorized uses within shoreline jurisdiction shall not require a separate permit, but shall be regulated by the use regulations and permit requirements for the primary use or activity and the standards of this section.

7. Utilities located landward of the OHWM shall be placed underground unless shown to be infeasible or if such undergrounding would be significantly detrimental to the environment. Utilities located waterward of the OHWM shall be bridged or bored unless shown to be infeasible or if such approach would be significantly detrimental to the environment.

8. Utility facilities shall be designed for minimal environmental and aesthetic impact.

9. Underwater utilities shall be located at a depth sufficient to prevent interference between the utility and other shoreline use activities.

10. Utility facilities and lines shall identify safeguards to ensure that no long-term damage will be caused to the adjacent or downstream environment should an accident occur involving that facility or line.

11. Refer to Section 17.68~~70.010~~ for the water quality development standards which includes on-site stormwater control measures.

17.7068.000 Water Quality - Goals and Policies

17.67 Water Quality

1. Goal: Protect water quality and aquatic habitat with all new shoreline development.

2. Goal: Achieve a high level of protection and wise management of surface and ground water resources with a variety of strategies that consider larger drainage basin issues as well as site specific techniques designed to treat runoff on site.

A. Policy: Utilize a drainage manual that meets all state requirements and provides a range of low impact development options and techniques that will help achieve water quality goals.

B. Policy: Locate, design, construct, and maintain shoreline uses and activities to avoid ecological impacts from altering water quality, quantity, or hydrology.

C. Policy: Utilize setbacks and vegetation management areas, and encourage low impact development techniques and materials where practical to lessen impacts from shoreline use and development on water quality.

D. Policy: Plan land use and put in place development standards that work with and respect natural drainage features and functions. Emphasize utilization of development techniques that do not alter natural drainage patterns or disrupt natural recharge processes. Where necessary ensure measures for controlling erosion, stream flow rates, or flood waters are located, designed, constructed and maintained to preserve and improve existing water quality.

E. Policy: The City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. This will be implemented through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs.

F. Policy: Discourage uses and activities in shoreline or other sensitive areas that may pose a risk of contamination of ground or surface waters, such as:

1) Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
2) Operations for confinement feeding of animals;
3) Junk yards and auto wrecking yards;
4) Storage of hazardous or dangerous substances within a floodplain; and
5) Alterations to structures and uses served by septic systems that do not meet state septic requirements.

3. Goal: Establish lake management districts for our lakes to improve water quality and natural function and values of these resource areas.

A. Policy: Encourage and provide support to land owners surrounding our lakes to establish lake management districts.

B. Policy: Provide technical support to lake management districts to help in technical issues once lake management districts are formed.

Commented [AC118]: Table 4-1 #1

17.~~67~~70.01~~1~~0 Water Quality - Development Standards

Related to sewage disposal:

1. New development within shoreline jurisdiction shall not be allowed on septic systems. Property with an approved septic tank drainfield permit for a use otherwise authorized under the zoning designation and Master Program Designation, shall be allowed to develop such use subject to limitations and conditions as required under the approved septic tank drainfield permit; Provided, once the original approval expires it shall not be renewed.

2. When a permit or authorization under the Master Program is necessary for activities associated with existing development operating on septic systems, they shall be required to connect to municipal sewer. If municipal sewer is not available, use of the septic system may be allowed if the development installs stub-outs and any needed agreements are executed to ensure future connection to the sewer service as soon as it is available in the area.

Related to stormwater management and drainage:

3. New development shall provide storm water management facilities designed, constructed, and maintained in accordance with the current storm water management standards of Lacey's Stormwater Drainage manual. Preference shall be given to low impact development concepts.

4. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control (TESC) plan, or through administrative conditions.

Related to potential contaminants:

5. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in or above shoreline water bodies.

6. All materials that may come in contact with water, such as untreated wood, concrete, approved plastic composites or steel shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff.

Related to vegetation management:

7. Proper management of vegetation shall be required as a condition of all new development and permit approvals associated with existing development. At a minimum this shall include:

    A. Shoreline use and development shall minimize, through effective education, site planning and maintenance, the need for chemical fertilizers, pesticides, herbicides or other similar chemical treatments that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions and values;

B. Compliance with the requirements of Section 17.41.020;

C. In protective covenants and Home Owner Association documents new plats shall describe acceptable use of organic fertilizers and other green shoreline principals that will not add to the nutrient load in adjacent water bodies.

Article 6. Goals & Policies for Uses, ~~and~~ Activities and Modifications

17.70.000 Organization of Goals & Policies – General

Commented [AC119]: Table 4-1 #1

This section includes SMP Goals and Policies arranged chronologically, following SMP document order from start to finish. Subheadings use following template format to reference the development regulations, where subsection 17.27.015 – Alterations and Expansions of Nonconforming or "Conforming, Expansion Limited" can be found under 17.70.250 within this section, for example.

17.70.250 Alterations and Expansions of Nonconforming or "Conforming, Expansion Limited" Residential Structures

1. **General Policies:**

   A. **Policy**: Expansion of all residential structures should meet requirements and standards of the environment designation in which they are located, including setbacks from the OHWM.

   B. **Policy**: Proposals for expansion of a non-conforming structure, or a structure designated "conforming, expansion limited", should include consideration of the potential for loss of ecological function.

   C. **Policy:** Expansion of a nonconforming structure or "conforming, limited expansion" structure should meet the test of no increase in nonconformance. No increase in nonconformance means an action will not increase an aspect of the structure that resulted in it being designated nonconforming or "conforming, expansion limited" and that it does not materially interfere or jeopardize further the public interest.

17.70.260 Residential Development Goals and Policies

1. **Goal: Achieve development of residential areas in a way that does not interfere with natural shoreline processes. Ensure new residential development, infill and redevelopment within shoreline jurisdiction is sensitive to and complements shoreline ecological functions**

A. Policy: Residential development should be planned, designed and constructed to avoid then minimize adverse environmental and visual impacts, to be complementary to the shoreline environment and its natural processes and to promote a no net loss of ecological functions.

B. Policy: Residential development should be located so that future shoreline stabilization or armoring is not necessary to protect it.

C. Policy: Residential development should be designed to minimize impacts to views from surrounding homes and viewpoints.

D. Policy: The removal of non-invasive riparian vegetation for residential development should be discouraged and should follow the mitigation sequence.

E. Policy: Open space required through the subdivision code in new residential subdivisions should also promote shoreline goals for resource protection if the subdivision is within shoreline jurisdiction.

F. Policy: Shoreline access segments on residential lots should be designed and located in accordance with the mitigation sequence to avoid and minimize impacts to native vegetation and shoreline ecological functions.

G. Policy: Where non-native or invasive species are present along residential waterfront property, restoration of degraded areas is encouraged.

H. Policy: If alternatives to native species are used in accordance with Section 17.41, the alternative landscaping should provide the same functions as native vegetation.

I. Policy: Lacey should provide information to citizens about the need for and benefits of shoreline protection and restoration and the role of vegetation management in water quality and a healthy shoreline.

2. Goal: Provide the opportunity for residential development in appropriate shoreline areas and in a variety of forms that are best suited to accomplish objectives of this SMP. Land use form should promote no net loss of function or value with design complementary to and integrated with the natural processes and functions of the shoreline.

A. Policy: Form, density, design, layout and functionality of residential development should be compatible and sensitive to the shoreline designation, natural processes and to environmental limitations.

B. Policy: Clustering of residential development should be encouraged to minimize the potential for adverse impacts to shoreline ecological functions and to encourage larger, consolidated blocks of open spaces.

C. Policy: Clustering should be used with incentive programs that involve the transfer of density to an upland portion of the site outside of shoreline jurisdiction.

D. Policy: Utilize provisions in the City's subdivision code to prevent the segmentation of critical in new subdivisions, by placing critical areas in separate tracts that are deeded to the City.

E. Policy: New over water residential development should not be authorized.

3. **Goal: Integrate residential development in shoreline jurisdiction with growth management planning, and provide opportunities that promote GMA strategies, quality residential neighborhoods, shoreline protection and restoration of shoreline resources.**

   A. **Policy:** Residential development should only be allowed when there are adequate provisions for utilities, circulation and access as provided for in the Comprehensive Land Use Plan.

   B. **Policy**: The findings of the shoreline inventory and characterization should be integrated into GMA planning and buildable lands work to ensure protection of shoreline resources is given higher priority than expectations for infill when contemplating development.

4. **Goal: Provide for Lacey's shoreline access needs through thoughtful planning, design, layout and location of new residential development and residential land divisions.**

   A. **Policy:** Residential development should provide for the access needs of residents of the development as well as opportunities for public access identified in Lacey's Public Access Plan. Access opportunities should depend on the nexus identified for each project.

   B. **Policy:** Open space in residential subdivisions should be designed to accommodate the intended use(s) and intended uses should be appropriate to the capacity of the shoreline resource to support it. Where appropriate, reserve shoreline open space tracts in a relatively undeveloped state, balancing competing interests for open space consistent with Lacey's Urban Forest Management Plan, Public Access Plan, land division open space policies and the goals of this Shoreline Master Program.

   C. **Policy:** Provide public access as a part of a residential development in locations where there has been significant historic usage by the public. Historic use is regular use by the public over a period of years rather than incidental or occasional use by one or only few members of the public. This policy is not intended to apply to construction of an individual dwelling on a single lot.

17.70.~~353~~ 350 Goals and Policies for Protection of Marine Riparian Habitat

1. **Goal: Protect Lacey's marine riparian habitat areas and achieve no net loss of ecological functions or values in these areas.**

   A. **Policy:** Utilize best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans, as provided for in LMC 14.33 and incorporated into this SMP, for activities in marine riparian habitat areas.

   B. **Policy:** Utilize standards in Lacey's critical areas ordinances and tree and vegetation protection legislation, as appropriate, to protect marine riparian areas and achieve no net loss objectives of this SMP.

   C. **Policy:** Utilize the recommendations and "general conclusions" of the white paper "Protection Of Marine Riparian Functions In Puget Sound, Washington" prepared by the State's Aquatic Habitat Guidelines (AHG) Program when considering the importance of marine riparian areas and reviewing proposed uses and activities in these areas, including:

1) "General conclusions" identified in Section VI of the report
2) "Overarching" recommendations identified in Section VI of the report
3) "Impact specific" recommendations identified in Section VI of the report.

D. Policy: Adopt the "general conclusions" in Section IV of the AHG white paper as findings in regard to the importance of marine riparian areas. These conclusions should be considered when designing projects and developing management strategies for activities proposed within marine riparian areas.

1) Riparian areas perform important hydrologic, geomorphic, and biological functions. These areas encompass complex above- and below-ground habitats created by the convergence of biophysical processes in the transition zone between aquatic and terrestrial ecosystems.
2) Riparian areas cannot be thought of in isolation from associated water bodies. The characteristic geomorphology, plant communities, and associated aquatic and wildlife species of riparian and marine systems are intrinsically linked.
3) Natural riparian systems have adapted to specific disturbance regimes. Managing riparian areas without regard to their dynamic patterns and influences of adjacent water bodies ignores a fundamental aspect of how these systems function.
4) Riparian areas, in proportion to their area within a watershed, perform more biologically productive functions than do uplands. Riparian areas provide a wide range of functions, such as microclimate modification and shade, bank stabilization and modification of sediment processes, contributions of organic matter and large wood to aquatic systems, nutrient retention and cycling, wildlife habitat, and general food web support for a wide range of aquatic and terrestrial organisms.
5) Riparian areas are effective in filtering and transforming materials (such as dissolved and particulate nonpoint source pollutants) from hill slope runoff.
6) Because riparian areas are located at the convergence of terrestrial and aquatic ecosystems, they are regional hot spots of biodiversity and often exhibit high rates of biological productivity in marked contrast to the larger landscape.
7) During the last decade, a patchwork of federal, state, and local laws and programs has come to acknowledge the importance of riparian areas and to require or encourage special management to restore or protect their essential functions, although the degree of protection, the focus, and the spatial coverage of these laws and programs are highly variable among federal, state, and local levels.

E. **Policy:** Adopt the "overarching recommendations" in Section IV of the AHG white paper as management strategies for marine riparian areas. These strategies should be considered in the design and management of all projects proposed within marine riparian areas.

1) Protect marine riparian soils and vegetation – prevent damage to native riparian soils and vegetation, including clearing and grading, compaction, covering (paving) and removal.
2) Restore damaged marine riparian habitat – restore vegetation, soil characteristics.
3) Account for scale issues (temporal and spatial) when evaluating riparian conditions, current functions and potential for future functions, and cumulative effects of alterations. The dynamic nature and connectivity of riparian areas and linkages between riparian and aquatic systems operate at multiple scales.
4) Exclude all major sources of contamination from the riparian buffer, including construction, impervious surfaces, mining, septic system drain fields, agricultural activity, clear cutting and application of pesticides and herbicides.
5) Manage riparian areas for the long-term. For many sites, substantial time, on the order of years to decades, will be required for vegetation to become fully functional.

17.70.355 Goals and Policies for Protection of Critical Saltwater Habitat

1. **Goal: Protect Lacey's critical saltwater habitat areas and achieve no net loss of ecological functions or values in these areas.**

   A. **Policy:** Utilize best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans for projects intruding into or over critical saltwater habitat areas.

   B. **Policy:** Because ecological functions of marine shorelands can affect the viability of critical saltwater habitat, effective protection of critical saltwater habitats should integrate the policies for management of shorelands, outlined in Section 17.35.031, with management policies for submerged areas.

   C. **Policy**: Activities in, over or adjacent to critical saltwater habitat should consider the following, where applicable:

      1) Protecting a system of fish and wildlife habitats with connections between larger habitat blocks and open spaces and restoring such habitats and connections where they are degraded;
      2) Protecting existing and restoring degraded riparian and estuarine ecosystems, especially salt marsh habitats;
      3) Establishing adequate buffer zones around these areas to separate incompatible uses from the habitat areas;
      4) Protecting existing and restoring degraded near-shore habitat;
      5) Protecting existing and restoring degraded or lost salmonid habitat;
      6) Protecting existing and restoring degraded upland ecological functions important to critical saltwater habitats, including riparian vegetation;
      7) Improving water quality;
      8) Protecting existing and restoring degraded sediment inflow and transport regimens; and
      9) Correcting activities that cause excessive sediment input where human activity has led to mass wasting.

17.70.360 Goal and Policies for Protection of Critical Fresh Water Habitat

1. **Goal: Protect Lacey's critical fresh water habitats and achieve no net loss of function or value in these areas. Strive for greater levels of ecological function in vegetation management areas over the long term.**

   A. **Policy:** Utilize best available science recommendations provided in literature from state resource agencies when developing standards and reviewing habitat management plans for activities proposed within or adjacent to critical freshwater habitat.

   B. **Policy:** Utilize standards in Lacey's critical areas ordinances and tree and vegetation protection legislation as incorporated into this SMP, as appropriate, to protect critical freshwater habitat areas and achieve no net loss objectives of this SMP.

   C. **Policy:** Accommodate existing uses while achieving no net loss of functions and values with new development and implement mitigation strategies designed to improve the functionality of vegetation management areas.

   D. **Policy:** Emphasize protection and no net loss of ecological function of critical fresh water habitat in the future under GMA and when considering future land uses in shoreline areas.

   E. **Policy:** Where critical areas occur along designated critical freshwater habitat, buffer requirements should be based upon standards identified in Lacey's critical area ordinances as incorporated into this SMP. Exceptions to this policy are outlined in Section 17.35.020 (1) (C).

   F. **Policy:** Water dependent uses and structures or modifications supporting public access or such uses should be authorized uses within critical freshwater habitat, critical areas, critical area buffers and the OHWM setback within any shoreline designation.

17.70.400 General Goals and Policies for Protection of Ecological Functions

1. **Goal: Use the comprehensive unique SMP Inventory and Characterization Report to recognize, appreciate and respect the individual nature of Lacey's shoreline reaches and the natural ecological processes important to the health and vitality of these shorelines.**

   A. **Policy:** Designate shorelines based upon findings of the shoreline inventory and what designation is best suited to each individual reach considering its identified functions and values.

   B. **Policy:** Require design that is sensitive to shoreline processes and the requirements necessary for protection of identified functions and values. Design and density shall promote no net loss of ecological functions. To further this intent, the City will consider incentive programs to encourage dedication of shoreline property to the City for management and protection over the long term.

2. **Goal: Plan land use around shoreline resources considering the characterization report and cumulative impacts analysis, and responsibly balance impacts from urbanization required under GMA with the necessary protection of these limited and valuable resources over the long term.**

A. Policy: Require a vegetation management area appropriate to each designation and expected use, to promote the natural functions of stormwater absorption and treatment and promote water quality and natural habitat functions and values.

B. Policy: Allow alternatives for vegetation improvements within the vegetation management area as long as the area will achieve similar results in mitigating upland development and impacts of urbanization on the shorelines natural functions and values.

3. Goal: Achieve goals of the Shoreline Management Act for state interests, and achieve local interests for the protection of identified functions and values. This shall include enjoyment of these resources for both passive and active recreation opportunities, as appropriate given characteristics, functions and values of individual shoreline areas.

A. Policy: Ensure that uses and activities address the goals and policies in Sections 17.40 through 17.70.

B. Policy: Public use of shoreline will be a priority pursuant to the City Public Access Plan. However, public access must be balanced with the needs of each individual reach for maintaining a healthy shoreline and its ecological functions and values.

C. Policy: Public access with active or intensive uses should not be planned where critical areas are present or the shoreline would be particularly sensitive to the planned use.

D. Policy: Access should be integrated into shoreline areas with the least amount of impact possible and impacts should be mitigated to promote no net loss of ecological function.

E. Policy: To balance public access and use of shoreline resources with ecological function, Lacey will consider offsite mitigation and restoration consistent with priorities in the City's Restoration Plan. Offsite mitigation can be used to achieve no net loss on a community wide basis if this cannot be achieved onsite.

4. Goal: Promote new development only where appropriate for the shoreline designation and ensure all development is sensitive to and protects ecological processes and functions.

A. Policy: Design and locate all development and structures, including residential development, to make beach stabilization measures and other shoreline modifications unnecessary, including but not limited to, protective measures such as filling, beach feeding, bulkheading, shoreline berms, construction groins or jetties, or substantial grading of the site.

B. Policy: Ensure that permits for shoreline modifications address the goals and policies in Sections 17.40 through 17.70.

C. Policy: Ensure that exemptions and permits for uses, activities and shoreline modifications use mitigation sequencing in Section 17.40.015.

D. Policy: Programs that enhance opportunities for the development community as well as meet City and state goals for shoreline protection should be given priority. An example is a program that would allow significant increased density credit that can be transferred to upland areas outside shoreline jurisdiction or off site in exchange for dedication of the shoreline area to the public. This can enhance development opportunities and achieve GMA goals and environmental protection of shoreline resources over the long term.

17.70.410 Importance of Vegetation

Native vegetation along the shoreline provides and supports many ecological functions or processes which are critical to the health, vitality, function and value of Lacey's shorelines. These functions and values include but are not limited to:

A. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.

B. Regulating microclimate in riparian and nearshore areas.

C. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates.

D. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.

E. Reducing fine sediment input into the ~~aquatic~~Aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.

F. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;

G. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species.

H. Providing habitat for wildlife, including connectivity for travel and migration corridors.

Based upon identified functions and values and the role vegetation plays in maintenance of these functions and values, Lacey will promote proper restoration, landscaping and maintenance of its shoreline areas. The goals and policies in Sections 17.41.015 and general development standards in Section 17.41.020 are intended to provide the vision and general framework for this effort.

17.70.415 Vegetation Management - Goals and Policies

1. Goal: Over the long term, achieve vegetated shorelines with materials supportive of natural shoreline functions and values that will help maintain and improve water quality and habitat.

A. Policy: Limit the removal of vegetation within shoreline jurisdiction to the minimum necessary to accommodate authorized shoreline development. Designate a vegetation management area corresponding to each designation's setback area as outlined in Section 17.24.010, Table 4. To be providing buffering functions, it is assumed such areas are well vegetated with native species appropriate to the eco-region. Where buffering functions are compromised by loss of, lack of, or replacement of native vegetation, vegetation management plans should focus on improving buffering function.

B. Policy: Native/approved vegetation is desired within designated vegetation management areas to further the City's goals of shoreline restoration and to promote no net loss of ecological function and value with new development. A Vegetation Management Plan should be developed for uses and activities proposed in shoreline jurisdiction, and should consider legitimate competing interests for shoreline areas. These interests include but are not limited to habitat, views and compatibility and integration of the full range of land use activities anticipated in the applicable shoreline environment and adjacent uplands. Example Vegetation Management Plans are provided in the Green Shoreline Landscaping: Examples and Guidelines.

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C. Policy: The Administrator may allow selective pruning of native/approved vegetation for view corridors and limited vegetation removal for shoreline access segments, provided ecological functions are not compromised. Proposals to remove vegetation for shoreline access segments should follow the mitigation sequence. All proposals for vegetation removal or pruning should be reviewed by the City Forester/Arborist, who will provide a recommendation to the Administrator. See Sections 17.41.020 (3) and 17.41.020 (10).

D. Policy: Preserve existing native vegetation along the shoreline, encourage and incentivize planting when it does not exist, and avoid, minimize and mitigate for impacts to shoreline vegetation.

E. Policy: Provide flexibility when balancing overlapping shoreline policies and priorities in including vegetation conservation, preferences for water-~~dependant~~dependent uses, and requirements to provide public access.

F. Policy: When nonconforming or "conforming, expansion limited" structures are expanded within designated vegetation management areas and native/approved vegetative does not exist within the vegetation management area, the City should encourage the installation of vegetation within these areas to the level the site can reasonably accommodate and commensurate to offset the proposed level of expansion. If through review of the Vegetation Management Plan, the Administrator determines there is not adequate space onsite to accommodate vegetation that will adequately offset and mitigate impacts anticipated from the expansion, the Administrator may consider offsite mitigation or payment of fees in lieu of onsite mitigation.

G. Policy: Vegetation within designated vegetation management areas should be comprised of three vegetative levels including an over story of trees, an understory of shrubs, and a floor of herbs and with native plants commonly found in riparian areas of Thurston County; see example Vegetation Management Plans in the Green Shoreline Landscaping: Examples and Guidelines.

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H. Policy: Where revegetation of vegetation management areas is anticipated, such areas should be planted to resemble native conditions. The Administrator may consider and approve use of other vegetative materials that are demonstrated through the Vegetation Management Plan to achieve protection or maintenance of shoreline ecological function equivalent to native vegetation.

I. Policy: Where uses or activities are proposed along shorelines that also contain critical areas, Vegetation Management Plans may be consolidated with Habitat Management Plans required under Section 17.35.

2. Goal: Develop and implement public information efforts that put shoreline vegetation restoration and management tools in the hands of shoreline property owners.

A. Policy: Because of the importance of vegetation in managing water quality, the City will promote public education on this topic.

B. Policy: Develop a full range of materials to share with the public ranging from how to implement shoreline revegetation requirements in accordance with this SMP to basic information regarding shoreline functions and values and how vegetation management can be involved in maintaining shoreline property.

D. Policy: The City will support efforts of realtors and work in partnership with the local Board of Realtors to inform new and existing shoreline property owners of protective covenants that may be applicable to shoreline properties, and on the topic of ecologically friendly vegetation management. This may include a range of strategies such as educational presentations at realtor membership meetings, presentations to home owner associations, scheduling informational meetings with lot owners or perspective buyers and helping to develop brochures for general circulation to interested groups.

17.70.420 Restoration - Goals and Policies

1. Goal: Identify and take advantage of opportunities where restoration goals can be integrated into the design and planning of public or private shoreline development projects.

A. Policy: Recognize that restoration and enhancement may result from:
1) Mitigation of impacts from new development.
2) Adoption of shoreline setbacks and vegetation management areas with a protective function, which are based upon shoreline ecological functions and processes.

B. Policy: Reestablish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with this master program and other approved restoration plans.

2. Goal: Where opportunities are present, work with other state and local jurisdictions in planning and implementation of restoration projects that cross jurisdictional boundaries.

A. Policy: Encourage and facilitate cooperative restoration and enhancement programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.

3. Goal: Implement restoration efforts consistent with the City Shoreline Restoration Plan.

A. Policy: Integrate restoration and enhancement with other parallel natural resource management efforts such as the WRIA 13 Salmonid Recovery Plan, Puget Sound Salmon Recovery Plan, and the City of Lacey Comprehensive Land Use Plan and its Environmental Protection and Resource Conservation element.

B. Policy: Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for early Chinook, bull trout populations and other species and/or populations for which a recovery plan is available.

C. Policy: Target restoration and enhancement towards improving habitat requirements of priority and/or locally important wildlife species.

D. Policy: Restoration should be carried out in accordance with an approved vegetation management plan and in accordance with the policies and regulations of this SMP.

E. Policy: Prioritize restoration actions and stand-alone projects in the following order:

1) Create dynamic and sustainable ecosystems.
2) Restore connectivity between stream channels, floodplains and hyporheic zones.
3) Restore natural channel-forming geomorphologic processes.
4) Mitigate peak flows and associated impacts caused by high stormwater runoff volume.
5) Reduce sediment input to streams and associated impacts.
6) Improve water quality.
7) Restore native vegetation and natural hydrologic functions of degraded and former wetlands.
8) Replant native vegetation in riparian areas to restore functions.
9) Restore nearshore ecosystem processes, such as sediment transport and delivery and tidal currents that create and sustain habitat.
10) Restore pocket estuaries that support salmon life histories, including feeding and growth, refuge, osmoregulation, and migration.
11) Remove obsolete and no longer needed shoreline modifications.

4. Goal: Achieve natural beach areas by restoration that meets needs of the land owner without hard armoring.

A. Policy: Insure that permits for beach restoration and enhancement projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

B. Policy: Give preference in permitting beach restoration and enhancement projects which use naturally regenerating systems, rather than bulkheads and other structures to prevent and control beach erosion where:

1) The length and configuration of the beach will accommodate such systems.
2) Such protection is a reasonable solution to the needs of the specific site.
3) Beach restoration/enhancement will accomplish one or more of the following objectives:
   a) Recreate or enhance natural shoreline conditions.
   b) Create or enhance natural habitat.
   c) Reverse otherwise erosion-prone conditions.
   d) Enhance access to the shoreline, especially to public shorelines.

C. Policy: Design and construct beach enhancement projects so that they will not degrade aquatic habitats, water quality and flood holding capacity.

D. Policy: Prefer self-maintaining designs over those which depend upon regular maintenance.

E. Policy: Require supplementary beach nourishment where structural stabilization works are likely to increase impoverishment of existing beach materials at or downdrift from the project site.

F. Policy: Limit the waterward extent of beach enhancement to that which is necessary to achieve the intended results.

G. Policy: Encourage the beneficial reuse of dredged materials for beach restoration and enhancement projects when it has suitable organic and physical properties.

17.70.440 Goals and Policies Applicable to all Uses and Activities

1. Goal: Achieve appropriate use, protection and restoration of shoreline resources, by identification of their values and functions and application of criteria and standards to shoreline uses, activities and modifications.

A. Policy: Apply standards for proper maintenance and restoration of degraded shorelines. Where there are no regulatory opportunities, use incentives to encourage developers, property owners, community groups and others to enhance degraded shorelines and return them to an ecologically functioning condition.

B. Policy: Design, locate and construct residential development in a manner that will:
1) Maintain existing public access to the publicly-owned shorelines,
2) Not interfere with the public use of water areas fronting such shorelines, and
3) Not adversely affect aquatic habitat.

C. Policy: Evaluate all shoreline uses and activities for their effect on the ~~aquatic~~Aquatic environment to ensure every proposal that is approved achieves no net loss of ecological functions and values and does not adversely impact public health.

D. Policy: Adopt a full range of development standards and incentive opportunities to protect and achieve no net loss of existing shoreline ecological functions and processes. Development standards may include regulations on use, density, frontage, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas and water quality and other elements in the public's interest for management and use of shoreline resources.

E. Policy: Assess project-specific impacts, cumulative impacts, and a project's potential to result in a net loss of ecological functions. Require compliance with the mitigation sequence and compensatory mitigation as necessary to mitigate unavoidable impacts. If impacts cannot be mitigated, the application for use, activity or modification may be denied.

F. Policy: Require shoreline permits to be consistent with the Shoreline Management Act (RCW 90.58), the Washington Administrative Code (WAC 173-26), and this Master Program.

G. Policy: Generally prohibit activities that would degrade existing levels of ecological function. Mitigation of impacts should occur on site or on other priority shoreline sites that offset on site impacts. Activities should always be consistent with state long term goals and requirements for protection and restoration of shoreline areas.

H. Policy: Eliminate inappropriate shoreline uses and poor quality shoreline conditions when authorizing a new shoreline development or activity on the same property and under the same ownership.

2. **Goal: Develop a Shoreline Master Program with an efficient customer service process, enforcement of program requirements and periodic evaluation of key objectives.**

   A. **Policy:** Continue Lacey's cultural customer service orientation. Listen to each customer's unique issues to understand the specific situation and needs of the owner, explain the need, purpose and intent of the SMP as it applies to the subject property and try to identify a way to help the owner meet their objectives for use of property while meeting Lacey's objectives for use, protection and restoration of shoreline resources.

   B. **Policy**: Approach work with the owner as a partnership in use and management of shoreline resources. The partnership should benefit the individual owner and be consistent with the overall intent, vision and public interest of the community.

   C. **Policy:** Monitor and track developments approved within shoreline jurisdiction, to provide a baseline of data to evaluate key shoreline program elements.

   D. **Policy:** Provide appropriate enforcement measures for projects approved under Lacey's shoreline program to ensure that all conditions of projects are met, and that required improvements or mitigation is accomplished.

17.70.450 Shoreline Modifications – Goals and Policies

1. **Goal: Achieve protection of shoreline functions and values by implementation of Shoreline Master Program policies that foster design with nature. Use naturalized concepts and strategies that promote natural functions and processes over concepts that require structural modification**.

   A. **Policy:** Preserve shorelines which exist in their natural state free of shoreline modifications.

   B. **Policy:** Where possible remove existing shoreline modifications and instream structures to improve ecosystem-wide processes and shoreline ecological functions.

   C. **Policy:** Design and locate new development to prevent the need for shoreline stabilization measures and flood protection works.

   D. **Policy:** Discourage new residential development which requires shoreline stabilization.

   E. **Policy:** Discourage structural shoreline modifications so that they do not individually or cumulatively result in a net loss of ecological functions.

   F. **Policy:** Allow structural shoreline modifications only when it is desirable for reconfiguration of the shoreline for mitigation or enhancement purposes.

   G. **Policy:** Structural shoreline modifications should:

      1) Be based on a comprehensive analysis of drift cells for marine water or reach conditions for stream systems and lakes; and

2) Incorporate all feasible measures to protect ecosystem-wide processes and shoreline ecological functions.

H. Policy: Bank stabilization measures should be designed, located and constructed only to prevent damage to existing development.

I. Policy: Use mitigation sequencing to support the use of nonstructural stabilization techniques over bio-engineering with structural components. If bio-engineering is necessary use mitigation sequencing to support its use over structural shoreline stabilization such as rip rap revetments or bulkheads.

J. Policy: Car bodies, demolition debris, concrete rubble, scrap building equipment or appliances should not be used for shoreline stabilization.

K. Policy: Substantial stream channel modifications and realignment and/or straightening as a means of shoreline stabilization and flood protection should be discouraged. Work within the natural shoreline processes and avoid development within flood plains, floodways or other areas that require stabilization of the natural processes with infrastructure.

L. Policy: Design stabilization or protection works for multiple uses with public access to public shorelines.

M. Policy: Retain natural features serving a stabilization function such as snags, stumps or uprooted trees that support fish and wildlife and other aquatic systems and that are not a significant navigation hazard.

N. Policy: Locate flood protection measures landward of the natural floodway boundary, including wetlands that are associated with the water body.

O. Policy: Beach restoration/enhancement using naturally regenerating systems for the prevention and control of beach erosion are preferred rather than bulkheads and other structures where:

1) The length and configuration of the beach will accommodate such systems.

2) Such protection is a reasonable solution to the needs of the specific site.

3) Beach restoration/enhancement will accomplish one or more of the following objectives:
   a) Recreate or enhance natural shoreline conditions;
   b) Create or enhance natural habitat;
   c) Reverse otherwise erosion-prone conditions; and
   d) Enhance access to the shoreline, especially to public shorelines.

17.70.455 Shoreline Modifications – Policies Applying to all Shoreline Stabilization

1. Policies applying to all shoreline stabilization activities:

A. Policy: Shore stabilization should be located and designed to:

1) Protect and maintain shoreline ecological functions, ongoing shore processes and the integrity of shore features;

2) Not unnecessarily interfere with public access to public shorelines or with other appropriate shoreline uses including, but not limited to, navigation, seafood harvest or private recreation; and

3) Not intrude into or over critical saltwater or freshwater habitats.

B. Policy: Shoreline stabilization on streams should be located and designed to fit the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.

C. Policy: Public or quasi-public shoreline stabilization projects should be located and designed for multiple use, restoration, and/or public access, where feasible.

D. Policy: Design land divisions to assure that future development on the created lots will not require structural shore stabilization.

E. Policy: New or expanded structural shore stabilization should be limited to when:

1) It is conclusively demonstrated by a geotechnical analysis to be necessary to protect an existing primary structure that is in danger of loss or substantial damage caused by tidal action, currents or waves;

2) The erosion is not being caused by upland conditions such as vegetation loss and drainage problems;

3) Non-structural solutions will not be feasible or sufficient; and

4) Impacts can be mitigated so that they will not result in a net loss of ecosystem-wide processes and shoreline ecological functions.

F. Policy: Prohibit larger shoreline stabilization projects (such as jetties, breakwaters, weirs or groin systems).

G. Policy: Shore stabilization projects should not be allowed on publicly owned shorelines which result in a long-term decrease in public use of the shoreline.

H. Policy: Shore stabilization should not be allowed for the purpose of filling shorelines.

I. Policy: Structural shoreline stabilization should not be located on or at the base of eroding bluffs, except where existing structures are threatened or non-structural methods have been determined to be infeasible.

J. Policy: Encourage shore stabilization efforts which coordinate affected property owners and public agencies for a whole drift sector (net shore-drift cell) to address ecological and geo-hydraulic processes, sediment conveyance and beach management issues. Encourage the creation of a comprehensive management program where beach erosion threatens existing development.

K. Policy: Encourage removal of failing, harmful, unnecessary, or ineffective structures and restore shoreline processes and ecological functions by using more natural long-term stabilization measures.

L. Policy: Shoreline stabilization projects should be prioritized in the following order. Applications that propose less preferred methods must demonstrate why preferred methods are not feasible:

1) No action (allow the shoreline to retreat naturally), increased building setbacks, and structure relocation.

2) Upland vegetation enhancement and drainage controls.

3) Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms or vegetative stabilization.

4) Rigid works constructed such as bulkheads, seawalls and bluff walls of artificial materials such as riprap or concrete. Materials used for construction of shoreline stabilization is to be selected for long-term durability, ease of maintenance, compatibility with local shore features, including aesthetic values and flexibility for future uses.

17.70.460 Access (Public) - Goals and Policies

1. Goal: Provide a full range of shoreline access and use for the Lacey community.

2. Goal: Provide public access to and along the shorelines pursuant to the requirements of state law, guidance provided in the City Public Access Plan and the goals and policies of this SMP.

3. Goal: Increase the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and/or to view the water and the shoreline from adjacent locations, provided that private rights, the public safety, and shoreline ecological functions and processes are protected consistent with the U.S. and state constitutions, and state statutes.

A. Policy: Consider the type of public shoreline access that is needed for the Lacey community; passive, active, view points, beach recreation etc. Determine what access opportunities exist and what additional opportunities should be pursued based upon value to the public.

B. Policy: Develop an inventory of existing public access to shorelines and potential opportunities for public access that Lacey could pursue in achieving its public access goals.

C. Policy: To support implementing efforts, particularly regulatory actions of conditioning permits, include a discussion of SMP identified public access needs and opportunities in planning documents (The Comprehensive Land Use Plan, The Comprehensive Plan for Outdoor Recreation, and The Capital Facilities Element) with justification and expectations for acquisition and development.

D. Policy: Actively pursue public access opportunities with a variety of special programs;

E. Policy: Where appropriate, acquire access to publicly owned tidelands and shorelands. Encourage cooperation among the City and Thurston County, adjacent cities, landowners, developers, other agencies and organizations to enhance and increase public access to shorelines as specific opportunities arise.

F. Policy: Provide and protect visual access to shorelines and tidelands.

G. Policy: Shoreline development by public entities such as local governments, state agencies, and public utility districts should provide public access measures as part of each development project unless such access is shown to be incompatible due to reasons of safety or impacts to the shoreline.

H. Policy: Physical or visual access to shorelines should be incorporated in all new development when the development would either generate a demand for one or more forms of such access, and/or would impair existing legal access opportunities or rights. Public health and safety concerns should also be adequately addressed and maintenance of shoreline ecological functions and/or processes should be assured.

4. Goal: Develop innovative program(s) that achieve Lacey's public access goals through incentives attractive to the development community.

A. Policy: Incentive programs to gain public access should provide development options that are superior in balancing environmental protection with public use/interest, should meet all requirements of the Shoreline Management Act and further its spirit and intent, and should be superior from a market and business standpoint and result in a developer's independent decision to pursue the program.

B. Policy: Development resulting from an incentive program should be compatible with and further the intent of GMA plans and the City's community vision, and result in development that is compatible with and complementary to the neighborhood in which it is located.

5. Goal: Ensure public access is designed and constructed so that it preserves or enhances the characteristics and natural functions and values of the shoreline.

A. Policy: Public access should be located, designed, managed and maintained in a manner that protects shoreline ecological processes and functions as well as the public health and safety.

B. Policy: Select public access sites appropriate to the shoreline designation, the requirements for its environmental protection, and the maintenance of its natural functions and values.

C. Policy: Evaluation of sites for public access should include an analysis of the site's potential to accommodate the improvements necessary for the proposed form and level of intensity of public access activities.

D. Policy: Public access facilities such as over water fishing piers should only be authorized if ecological impacts are mitigated, if is consistent with the intent of this SMP and if it demonstrates no net loss of ecological function and value.

E. Policy: Design and development of public access facilities should consider view corridors. Emphasis should be placed on consideration of neighboring views and existing views from surrounding properties.

6. Goal: Implement a shoreline access strategy that meets City of Lacey shoreline access goals while being sensitive to needs of landowners, surrounding neighborhood residents, and the general public.

A. Policy: Lacey will demonstrate need for an access to provide the applicant a reason, purpose, and justification for public access as discussed in Public Access Plan.

B. Policy: Lacey will provide the applicant with the use and intended design of the public access and assure successful integration of the access with the applicant's goals and objectives.

C. Policy: Lacey will increase public access to publicly owned shorelines.

D. Policy: Lacey will consider objectives of private projects and landowners as it develops plans for public access and as much as possible, without compromising Lacey's public access goals and goals of the state, will design the access and long term management in a way that accomplishes the objectives of both parties.

E. Policy: Public access developed as part of a shoreline permit requirement should be designed to enhance the proposed project by adding value to the property for current and future residents of the site/ownership/development. Ideally, the relationship should be considered a partnership between the developer and the city, where the establishment of public access tied into other public amenities (regional trail, lake trail, parks etc.) will improve a project's marketability and attractiveness, adding value to the proposed development by establishing an amenity residents of the site/ownership/development will see as added value to their home.

F. Policy: Physical or visual access to shorelines should be required as a condition of approval for shoreline development activities commensurate with the anticipated needs of future residents or users of the development, impacts of such development, and the corresponding benefit to the public, and consistent with constitutional limitations. Use an incentive dedication agreement program, such as Section 17.46.025, to provide economic incentives for a developer to design projects that include dedication of shoreline areas and access to the public.

G. Policy: Public access area and/or facility requirements should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the land owner and the public.

H. Policy: Design review standards should be applied to all projects taking place within shoreline jurisdiction. All projects should meet community expectations detailed in the Comprehensive Land Use Plan for neighborhood form and functionality and be compatible with and complementary to existing and planned development.

I. Policy: Public access design should provide for public safety, minimize potential impacts to private property and individual privacy, and protect shoreline ecological functions and processes.

J. Policy: Public access should be designed for integration with the existing built environment. In the context of a shoreline environment, successful integration will necessitate context sensitive design and will provide value to shoreline land owners, surrounding residents and the general public.

7. Goal: Provide public access opportunities that are sensitive to the needs of water ~~dependant~~dependent uses and reflect priorities of the state for use of shorelines.

A. **Policy:** Public access should be designed and managed in a manner that ensures compatibility with water-dependent uses.

B. **Policy:** Public access should be provided for water enjoyment, water related, and non-water dependent uses and subdivisions of more than 4 lots, and for all developments that increase public use of the shorelines and public aquatic lands or that would impair existing legal access opportunities, as provided in/supported by the City's Public Access Plan.

C. **Policy:** Uses and developments that provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state are a preferred use.

8. **Goal: Achieve Lacey's identified public access goals using strategies, methodology and targets established in the Lacey Public Access Plan.**

9. **Goal: Achieve safe and respectful use of lake resources by partnering with lake residents and Thurston County and monitoring public access sites and lake use.**

A. **Policy:** Consider opportunities for a program that enables local lake residents to establish a "Lake Watch Program" based upon the same principals as a Neighborhood Watch Program. Provide support as necessary to empower lake residents to help maintain a safe lake and respectful use of these resources for the benefit of all Lacey citizens.

B. **Policy:** Coordinate responsibility with Thurston County for monitoring activity on lakes within Lacey's UGA. As much as possible, within existing resources, provide support for calls reporting dangerous or abusive behavior on lakes in Lacey and Lacey's growth area.

C. **Policy:** Coordinate with the Lacey Police Department in the planning and design of public access facilities to lakes and incorporate Crime Prevention through Environmental Design (CPTED) considerations.

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17.70.470 Aquaculture - Goals and Policies

1. **Goal: Provide opportunities for aquaculture and harvest of natural resources in a way that is compatible with the natural shoreline resource, complements specific reach designations and associated functions and values and meets requirements of the SMA.**

A. **Policy:** Allow aquaculture consistent with the shoreline environment designation and the SMA.

B. **Policy:** Design, locate and operate aquaculture activities in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

C. **Policy:** Prohibit aquaculture where it would result in a net loss of shoreline ecological functions, would have a significant adverse impact on natural dynamic shoreline processes, or interfere with other water-dependent uses.

D. **Policy:** Accommodate the existing upland fish hatchery as a "pre existing approved use" as long as it is operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes.

E. Policy: Allow operation of aquaculture enterprises in a manner that allows navigational access of shoreline owners and commercial traffic.

F. Policy: Aquaculture structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall be located outside shoreline jurisdiction to minimize the detrimental impact to the shoreline and other shoreline uses.

2. Goal: Ensure long term health and viability of the marine resource through wise management of the resource and sound aquaculture practices.

A. Policy: Design, locate and operate aquaculture activities in a manner that supports long-term use of the resource.

B. Policy: Give preference to an aquaculture use or activity that involves little or no substrate modification over those that involve substantial modification. The applicant should demonstrate that the degree of proposed substrate modification is the minimum necessary for feasible aquaculture operations at the site.

3. Goal: Achieve compatible integration of aquaculture activities with other permitted uses in areas appropriate for this use.

A. Policy: Minimize the detrimental impact aquaculture development might have on views from upland property.

B. Policy: Review proposed surface installations for conflicts with other uses in areas that are utilized for moorage, recreational boating, sport fishing, commercial fishing or commercial navigation. Incorporate features to reduce use conflicts. Unlimited recreational boating should not be construed as normal public use.

C. Policy: Aquaculture processing plants that are not water ~~dependant~~dependent should be located outside of shoreline areas in an appropriate light industrial zone designed for manufacturing and processing activities.

17.70.480 Bioengineering - Policies

1. Policy: Insure that permits for bioengineering projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

2. Policy: Give preference in permitting to bioengineering projects which incorporate self-maintaining vegetation and materials over those which require routine maintenance.

3. Policy: Design and construct bioengineering projects to:

A. Ensure that water quality, fish and wildlife habitats and flood holding capacity are not degraded, and projects are timed so that the survival of new plantings is optimized;
B. Maximize the use of native vegetation;
C. Minimize the structural soil stabilization components, including riprap, to last only until vegetation is well established; and
D. Include vegetation, fencing and/or other measures to avoid disturbance of the project site by livestock and vehicles.

4. **Policy:** Limit the waterward extent of bioengineering projects to that which is necessary to achieve the intended results.

17.70.490 Marinas and Boat Launch Facilities – Discussion and Policies

Commented [AC123]: Table 4-1 #1

Goal: Meet demonstrated public need and demand for boating facilities for shoreline areas consistent with the City Comprehensive Plan for Outdoor Recreation, City Public Access Plan, shoreline designations and the overall emphasis on protection of shoreline natural functions and values.

Discussion: An existing small private marina for Beachcrest exists just east of the Butterball Cove area along the shoreline of Dewolfe Bight. It is the only marina on shorelines under Lacey jurisdiction. It was developed as part of the Beachcrest development in the late 1940s. Approximately half of the marina is within the City of Lacey and the rest is within Lacey's UGA and unincorporated Thurston County.

The existing private Beachcrest marina is considered a viable use and is expected to continue over the long term. At the same time, environmental impacts of the Beachcrest marina on the shoreline environment should be acknowledged.

Looking at the need for public marinas, there is little justification for location of a public marina in the Lacey area. The marine shoreline of Lacey is extremely limited and its sensitivity and designation as Natural does not lend it to establishment of another marina use. The lakes under Lacey's jurisdiction are too small to have a need for or to support a marina.

Policies for marinas:

1. **Policy:** Expansion and maintenance or repair activities at the Beachcrest marina should follow the mitigation sequence.

2. **Policy:** The Beachcrest Community Association is encouraged to look for environmental restoration opportunities when performing marina maintenance or repairs. Incentives should be provided to the Beachcrest Community Association for activities that meet restoration objectives. Priority should be for restoration of degraded areas on this reach, as discussed in Lacey's Restoration Plan.

3. **Policy:** Because the Beachcrest marina falls under the jurisdiction of both Thurston County and the City of Lacey, permitting activities may be complex for the Beachcrest HOA. To this end, the City of Lacey will support an interlocal agreement with Thurston County to have one jurisdiction be the lead local jurisdiction for permitting activities. The SMP of the lead jurisdiction per the interlocal agreement should be the SMP used to determine permitting process and requirements.

Policies for boat launch facilities:

1. **Policy:** The City's Comprehensive Plan for Outdoor Recreation and Public Access Plan should be used as a guide to determine public need for new boat launch facilities. Evidence of substantial demand should be given before considering approval of new facilities.

2. **Policy:** Locate boat launch ramps on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions or processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement and other river, lake, harbor and channel maintenance activities.

3. **Policy:** Where provided, require fuel handling and storage procedures that minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

4. **Policy:** Locate launch ramps to minimize the adverse effects upon fish and shellfish and their habitat(s).

5. **Policy:** Locate boat launching facilities in areas where parking and access to the facility can be accommodated without causing adverse impacts to adjacent properties.

6. **Policy:** Minimize off-site light and glare by using fully shielded and appropriately aimed fixtures.

7. **Policy:** Design boat launch facilities to provide for as many compatible water oriented recreational uses as possible, according to the size and extent of the facilities.

8. **Policy:** All facilities should provide adequate parking and landscaping.

9. **Policy:** Boat launch facilities should be designed and conditioned to avoid and mitigate impacts to adjacent properties. This includes but is not limited to impacts such as wave action, erosion, and privacy issues.

17.70.500 Covered Moorage - Policies

Policy: Covered moorage in Lacey is considered un-necessary and would distract from the shoreline's aesthetic and functional values. This use should be prohibited.

17.70.510 Bulkheads - Policies

1. **Policy:** Insure that permits for bulkhead projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.

2. **Policy:** Locate and design residential development along shorelines to make shoreline stabilization projects such as filling, bulkheading, or substantial grading of the site unnecessary.

3. **Policy:** Where new bulkheads are necessary, applications should be processed as a shoreline conditional use permit to consider natural shoreline functions, habitat, drainage treatment and water quality.

4. **Policy:** Where replacement of an existing bulkhead is necessary, emphasis should be placed on developing alternative naturalized concepts (soft stabilization).

Commented [AC124]: Table 4-1 #1

17.70.520 Buoy - Policies

1. **Policy:** Insure that permits for buoy projects address the goals, policies and development standards within the Shoreline Ecological Function Sections 17.40.000 and 17.70.

2. **Policy:** Give preference in permitting to moorage buoys over piers, docks, and float structures, especially in tidal waters.

3. **Policy:** Locate moorage buoys so as to:
   A. Cause minimal interference with navigable waters and the public's use of the shoreline, and
   B. Avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift, water circulation and quality, and fish and wildlife habitat.

Commented [AC125]: Table 4-1 #1

17.70.530 Dredging - Policies

1. **Policy:** Allow dredging only where it is necessary for assuring safe and efficient accommodation of existing navigational uses and when significant ecological impacts are minimized and mitigation is provided.

2. **Policy:** Limit maintenance dredging of established navigation channels and basins to maintaining previously dredged and/or existing authorized location, depth, and width.

3. **Policy:** Allow dredging in locations where a comprehensive management plan has been evaluated and authorized by local and state governmental entities.

4. **Policy:** Design and locate new development to avoid, or if that is not possible, to minimize the need for new and maintenance dredging.

5. **Policy:** Conduct dredging in such a manner as to minimize damage to natural systems in both the area to be dredged and the area for deposit of dredged materials.

6. **Policy:** Dispose of the dredged material at an approved disposal site when chemicals are present in concentrations high enough to cause significant harm to resident biota.

7. **Policy:** Plan and conduct dredging to minimize interference with navigation and adverse impacts to other shoreline uses, properties and values.

8. **Policy:** Allow dredging of less than five hundred (500) cubic yards as part of ecological restoration or enhancement, beach nourishment, public access or public recreation as an exemption; Provided such dredging is otherwise consistent with the policies and provisions of this master program.

9. **Policy:** Dredging should be limited to the following activities through a conditional use permit:
   A. In conjunction with a water-dependent use of water bodies or adjacent shorelands.
   B. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.
   C. Maintenance of irrigation reservoirs, drains, canals or ditches for agricultural and stormwater purposes.

D. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width.
E. Expanding, relocating or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses.
F. Removal of gravel for flood management purposes consistent with an adopted flood hazard reduction plan and only after a biological and geomorphological study demonstrates that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological processes and functions and is part of a comprehensive flood management solution.
G. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat.
H. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
   1) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.
   2) The utility installation does not increase or decrease the natural rate, extent or opportunity of channel migration.
   3) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.

Commented [AC126]: Table 4-1 #1

17.70.540 Grading and Fill - Policies

1. **Policy:** Design and locate shoreline developments to avoid or, if that is not possible, to minimize the need for fill.

2. **Policy:** Use mitigation sequencing to limit the size and location of fills. Limit the size of fills and, when allowed, minimize its potential adverse impacts.

3. **Policy:** Design and locate shoreline fills to avoid loss of ecological values or natural resources, and to avoid creating a risk of significant injury to life or adjacent property.

4. **Policy:** Design the perimeter of a fill to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time. Natural appearing and self sustaining control methods are preferred over structural methods.

5. **Policy:** Fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

6. **Policy:** Fills waterward of the ordinary high-water mark should be allowed only when necessary to support:

   A. A water-dependent use.

   B. A public access.

   C. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.

   D. Disposal of dredged material considered suitable under and conducted in accordance with the dredged material management program of the Department of Natural Resources.

E. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible,

F. Mitigation action.

G. Environmental restoration.

H. Beach nourishment.

I. Enhancement project.

7. **Policy:** Prohibit the placement of fill in floodways or wetlands, unless part of an approved ecological restoration activity.

Commented [AC127]: Table 4-1 #1

17.70.550 Floats (Recreational) - Policies

1. **Policy:** Insure that permits for recreational float projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000 and Section 17.70.

2. **Policy:** Individual shoreline residents should consider joint-use or community recreational floats.

3. **Policy:** Give preference in permitting to community recreational floats in new subdivisions or planned residential developments over those for individual properties.

4. **Policy:** Apply the pier and dock policies of Section 17.61 to recreational floats.

Commented [AC128]: Table 4-1 #1

17.70.560 Forestry/Mining - Goals and Policies

Policy: Resource areas for forestry and mining activities are designated in appropriate areas outside the UGA and outside critical areas and shoreline areas. Forestry and mining activities are incompatible with goals for Lacey's shoreline areas. Prohibit forestry and mining activities within any shoreline environment designation.

17.70.570 Historical and Archeological - Goals and Policies

1. **Goal: Preserve cultural artifacts as they are discovered and identified during the development process.**

   A. **Policy:** Coordinate development review within the shoreline with the Washington Department of Archaeology and Historic Preservation, Certified Local Governments, and affected Indian tribes regarding historic or archaeological interest.

B. Policy: Report the discovery of a historic or prehistoric site during excavation or development to the Washington Department of Archeology and Historic Preservation and to the affected Indian tribes.

2. Goal: Preserve examples of structures from Lacey's history for the education and enjoyment of future citizens.

A. Policy: Encourage the enrollment of historic structures or sites on the federal, state or local historic registers.

Commented [AC129]: Table 4-1 #1

17.70.580 Instream Structures, Dikes and Levees - Goals and Policies

1. Goal: Protect and preserve natural systems and functional values while providing some limited flexibility to intervene with improvements to natural systems where necessary to protect the public's health and safety.

A. Policy: When dikes, levees and instream structures are allowed, compliance with the mitigation sequence should be required to assure there will be a loss of fish and wildlife resources, natural systems including wetlands, or other critical areas and ecological functions. If compensatory mitigation is necessary, dikes, levees and instream structures should be subject to the following:

1) The mitigation required should be commensurate to the value and type of resource or system lost. No net loss in ecological function, value or acreage shall occur from such development.
2) Where mitigation for loss of ecological functions is required, a mitigation plan should be prepared by the applicant/proponent that details the objectives of the mitigation activities.
3) Mitigation activities should be monitored to determine the effectiveness of the mitigation plan. Monitoring should be accomplished by a third party subject to the approval of the City/County and the Department of Ecology. Results of monitoring shall be publicly available.
4) If mitigation is found to be ineffective, corrective action that satisfies the mitigation objectives should be required of the proponent.
5) If the mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application should be denied.

17.70.600 Parking - Goals and Policies

For Parking Goals and Policies, see Section 17.70.

1. Goal: Achieve a proper balance in providing parking for public shoreline access points while deemphasizing use of the automobile and reducing associated impacts on shoreline areas and adjacent residential neighborhoods.

A. Policy: Management of public access sites should have an emphasis on reduction of drive alone vehicles and associated impacts. Design should mitigate impacts from automobile use and infrastructure on sensitive areas and adjacent neighborhoods.

B. Policy: Emphasize reduction in automobile parking pursuant to Chapter 16.72, Table 16T-13, of the Lacey zoning code.

C. Policy: Parking should be the least amount necessary to serve the intended use.

D. Policy: Encourage availability of alternative forms of transportation for uses located within shoreline jurisdiction. Encourage design emphasis in walking and biking consistent with the Comprehensive Land Use Plan.

E. Policy: Where public access points have limited parking facilities, measures should be taken to discourage use of adjacent residential streets for parking.

F. Policy: Allow parking within the shoreline jurisdiction only for an authorized use.

G. Policy: Design and construct parking facilities to minimize off-site light and glare.

H. Policy: Locate parking facilities as far landward of the ordinary high water mark as possible. Where possible, parking and road infrastructure should be located outside shoreline jurisdiction in an upland area and buffered from adjacent residential neighborhoods.

I. Policy: Link parking facilities with the shoreline uses they serve with walkways.

Commented [AC130]: Table 4-1 #1

17.70.610 Piers and Docks - Policies

1. **Policy:** Recognize that there will be few opportunities, if any, for marine piers/docks in Lacey, unless developed, owned and managed by the City of Lacey.
2. **Policy:** Ensure that permits for pier and dock projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.000.
3. **Policy:** Give preference in permitting to moorage buoys and to community piers, docks and floats in new subdivisions or planned residential developments over those for individual properties.
4. **Policy:** Require applications for piers and docks on individual properties to provide the following:
   A. Document why a moorage buoy or recreational float would not provide suitable access to the water; and
   B. Describe the mitigation to be provided so that the project will not cause a net loss in shoreline ecological functions.
   C. Consideration of shared moorage.
5. **Policy:** Design and locate piers and docks to minimize obstructions to scenic views and conflicts with recreational boaters and fishermen.
6. **Policy:** Locate piers and docks so as to:

A. Cause minimum interference with navigable waters and the public's use of the shoreline; and
B. Avoid locations where they will adversely impact shoreline ecological functions or processes, including currents and littoral drift, water circulation and quality, and fish and wildlife habitat.

7. **Policy:** Construct piers and docks of materials that will not adversely affect water quality or aquatic plants and animals over the long-term.

8. **Policy:** Minimize the length and size of any dock, pier or float.

9. **Policy:** Use materials that will allow light to pass through the deck for walkways or gangplanks in nearshore areas.

10. **Policy:** Encourage the development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands as part of an overall recreation plan or development.

17.70.620 Recreation - Goals and Policies

1. **Goal: Integrate planning for public recreation needs and access to shoreline areas with the City's Comprehensive Plan for Outdoor Recreation and Public Access Plan and the Comprehensive Land Use Plan.**

   A. **Policy:** Acknowledge a priority for recreational development along shorelines.

   B. **Policy:** Link shoreline parks and public access points through open spaces, public land, designated sensitive and resource areas and other areas that are pedestrian and neighborhood focus points. Such linkage can include hiking paths, public parks, designated tree tracts, open space in plats, sensitive areas and buffers, bicycle paths, and scenic drives/walks located close to the water's edge.

   C. **Policy:** Encourage the development of public fishing piers, underwater fishing reefs, and access to public waters and tidelands as part of a city recreation plan, or private development.

   D. **Policy:** Acquisition priority should consider need and special opportunities as well as access by public and other modes of transit.

2. **Goal: Provide public access and recreation opportunities within shoreline areas appropriate for the use as identified within the City Comprehensive Plan for Outdoor Recreation, Shorelines Public Access Plan, and Shoreline Environment Designation.**

   A. **Policy:** Consider all recreational development projects on the basis of their compatibility with the environment.

   B. **Policy:** Plan public access to recreational locations to prevent concentration of use pressures and avoid use conflicts.

   C. **Policy:** Design recreational developments to preserve, enhance, or create scenic views and vistas. Ensure that the design of recreational projects complement their environment.

D. Policy: Locate parking areas for recreation upland, away from the immediate edge of the water and recreational beaches. Link the parking to the shoreline by walkways. See Section 17.60.020.

E. Policy: Allow facilities for intensive recreational activities only where sewage disposal and pest control can be accomplished to meet public health standards without having an adverse impact upon the environment.

F. Policy: Allow passive recreational uses in floodplains as long as ecological processes and functions are maintained and the use does not require structures or public infrastructure.

G. Policy: Assure that recreational development is given priority and is primarily related to access to, enjoyment of and use of the water and shorelines of the state.

H. Policy: Design of public access points should consider the context of the neighborhood in which it is located and the expected parking demand. Large public recreation sites for active use should have upland parking to accommodate the recreation use. However, smaller access or observation points associated with a walking trail may not require any parking.

I. Policy: Reduced or limited parking may be a strategy to limit automobile use and maintain existing neighborhood character. Such areas should be closely monitored to assess impact of user parking on adjacent residential streets.

17.70.630 Revetments and Gabions - Policies

1. Policy: Insure that permits for revetment and gabion projects address the goals, policies and development standards within the Shoreline Ecological Function Chapter 17.40.

2. Policy: Apply the bulkhead policies listed in Section 17.51 to revetments and gabions.

17.70.640 Scientific or Education – Goals, Policies

1. Goal: Provide opportunities for the scientific community to study shoreline processes and functions without long term impact to these resources.

A. Policy: Conduct scientific studies and educational uses of the shoreline in a way to minimize impacts in accordance with the applicable environmental designations.

B. Policy: Require a shoreline permit for scientific and educational activities which may significantly affect water quality or natural systems.

C. Policy: Scientific or educational uses and activities are limited to those which will not:
1) Jeopardize existing wildlife populations or organisms;
2) Permanently alter the character of biological habitats; and
3) Degrade the character of the shoreline environment in which they are located.

D. Policy: Temporary disruptions of biological systems may be permitted when a scientific activity will result in their restoration or improvement and sustain requirements for no net loss of ecological function.

E. Policy: Permits encompassing a variety of scientific or educational activities over an extended period of time may be granted provided that limits on the duration of approval are established.

Commented [AC131]: Table 4-1 #1

17.70.650 Signage - Goals and Policies

1. Goal: Provide aesthetically attractive shorelines free from clutter of signage.

Commented [AC132]: Table 4-1 #4

A. Policy: Prohibit billboards within all shoreline environment designations.

B. Policy: Only authorize signs consistent with the residential and public use of shorelines. Signs will generally be limited to municipal traffic, municipal pedestrian circulation, and small private signage providing circulation, location and use information to the public necessary for the use and enjoyment of shoreline facilities/area.

C. Policy: Design and locate signs to insure compatibility with the shoreline environment designation, and adjacent land and water uses.

17.70.660 Transportation - Goals and Policies

Goal: Integrate the Lacey Transportation Plan into transportation planning for lands under shoreline jurisdiction.

A. Policy: Rely upon the transportation map within the Transportation Element of the City of Lacey Comprehensive Land Use Plan to identify new transportation crossings or corridors within shoreline areas.

2. Goal: Protect shoreline resources by keeping road infrastructure out of shoreline areas whenever possible.

A. Policy: Locate arterials, freeways, and railways outside of shoreline jurisdiction unless there are no feasible alternatives.

B. Policy: If necessary to locate in shoreline jurisdiction, roads, shared use paths, and railroads should be located as far landward as possible.

3. Goal: Ensure impacts are mitigated when there is no feasible alternative to locating needed transportation infrastructure in shoreline jurisdiction.

A. Policy: Use mitigation sequencing per Section 17.40.015 to locate new transportation corridors and facilities within shoreline jurisdiction.

B. Policy: Roads, shared use paths, and railroads should be designed, constructed and maintained to minimize erosion and to permit natural movement of ground water and flood waters.

C. Policy: Piers and bridges are preferred to the placement of fill within the shoreline jurisdiction for roads, shared use paths, and railroad crossings.

D. Policy: Construction debris, overburden, and other waste materials should be disposed of in such a way as to prevent their entry into any surface water body by erosion from runoff, high water, or other means.

17.70.670 Utilities - Goals and Policies

1. Goal: Provide opportunity for utilities serving shoreline areas while respecting the special function of these resource areas and maintaining their natural beauty.

A. Policy: Locate utilities outside of shoreline jurisdiction unless there are no feasibile alternatives. When necessary, locate them as far landward as possible and preserve the natural landscape, shoreline ecology, and minimize conflicts with present and planned land uses. Choose locations that do not obstruct or destroy scenic views whenever utilities must be placed in a shoreline area.

B. Policy: Place utilities underground and design them to do minimal damage to the aesthetic qualities of the shoreline area. Where compelling reasons exist to place utilities above ground based upon impacts to ecological functions or values, this may be permitted with full mitigation of aesthetic impacts.

2. Goal: Provide for the utility needs of authorized uses within shoreline jurisdiction while minimizing impacts to the environment and to the values and functions of the shoreline resource.

A. Policy: When utility placement occurs within shorelines, restore banks to their pre-project configuration, replant with native species, and maintain the site until the new vegetation is established.

B. Policy: Design and locate sewage treatment, water reclamation, desalinization and power plants and associated infrastructure so as to be compatible with and not to interfere with recreational, residential or other public uses of the water and shorelands.

C. Policy: Recycling or land disposal of sewage wastes is preferred to new sewage outfalls to shoreline waterbodies. Where no alternative to outfalls into water exist, the location is to be part of a management plan.

D. Policy: Use utility rights-of-way for public access to and along shoreline waterbodies where feasible.

E. Policy: Where utilities must cross a body of water, design and construct bridge-like structures for above water crossing of utilities or bore utilities rather than using trenching with fill.

F. Policy: Mitigation sequencing per Section 17.40.015 should apply when locating new utility corridors within shoreline areas. Co-locate new major transmission facilities along existing utility corridors where possible.

17.70.680 Water Quality - Goals and Policies

1. Goal: Protect water quality and aquatic habitat with all new shoreline development.

2. Goal: Achieve a high level of protection and wise management of surface and ground water resources with a variety of strategies that consider larger drainage basin issues as well as site specific techniques designed to treat runoff on site.

A. Policy: Utilize a drainage manual that meets all state requirements and provides a range of low impact development options and techniques that will help achieve water quality goals.

B. Policy: Locate, design, construct, and maintain shoreline uses and activities to avoid ecological impacts from altering water quality, quantity, or hydrology.

C. Policy: Utilize setbacks and vegetation management areas, and encourage low-impact development techniques and materials where practical to lessen impacts from shoreline use and development on water quality.

D. Policy: Plan land use and put in place development standards that work with and respect natural drainage features and functions. Emphasize utilization of development techniques that do not alter natural drainage patterns or disrupt natural recharge processes. Where necessary ensure measures for controlling erosion, stream flow rates, or flood waters are located, designed, constructed and maintained to preserve and improve existing water quality.

E. Policy: The City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. This will be implemented through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs.

F. Policy: Discourage uses and activities in shoreline or other sensitive areas that may pose a risk of contamination of ground or surface waters, such as:

1) Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
2) Operations for confinement feeding of animals;
3) Junk yards and auto wrecking yards;
4) Storage of hazardous or dangerous substances within a floodplain; and
5) Alterations to structures and uses served by septic systems that do not meet state septic requirements.

3. Goal: Establish lake management districts for our lakes to improve water quality and natural function and values of these resource areas.

F. Policy: Encourage and provide support to land owners surrounding our lakes to establish lake management districts.

B. Policy: Provide technical support to lake management districts to help in technical issues once lake management districts are formed.

~~PART FOUR:~~

~~APPENDICES~~

Commented [AC133]: Table 5-1 #8 - Remove/Separate from SMP regulatory document

Lacey SMP Periodic Update 2020 - 2021 Schedule (for project management) WORKING DRAFT

Date	Action	Grant Task
Dec. 2019	City to submit public participation plan to Ecology	3.1 (Public Participation)
Early March 2020	TWC provides draft Gap Analysis to City	
Late March	City review/comment on gap analysis, TWC revise as necessary	
April 22	Public outreach: **on-line open house webinar**	
May 31	TWC provides draft SMP amendments to City	
Late June	City review and comment on proposed code amendments (3 weeks)	
July 13	TWC provides revised SMP code amendments, Gap Analysis	
July 21	**PC meeting** to review draft SMP amendments	
August	Revise SMP (CAO amendments, if necessary) per PC comments	
September	Provide Ecology with public notice information (14 days prior to public comment period)	
	Post amendments on City website	
	Submit to Ecology periodic review checklist (Draft Gap Analysis)	4.1 (Review SMP and draft revisions)
	Submit to Ecology draft SMP (CAO amendments, if necessary) amendments	4.2 (Review SMP and draft revisions)
	Begin SEPA (14 days)*	
	Notify Commerce – 60 day notice	
October	**Public comment period** (30 days)	
October	Hold **public hearing with PC** during the comment period	
November	Respond to public comments (within 30 days of close of public comment period) and submit responses to Ecology	See 5.5 below
November	Revise SMP documents based on Ecology, Commerce, SEPA, public comment period and hearing	
December	Submit to Ecology draft SMP(CAO amendments, if necessary) & periodic review checklist (for initial determination of consistency)	5.1 (Local SMP Adoption Process)
	Submit to Ecology SEPA products	5.2 (Local SMP Adoption Process)
	Submit to Ecology GMA notice	5.3 (Local SMP Adoption Process)
	Submit to Ecology public hearing record	5.4 (Local SMP Adoption Process)
	Submit to Ecology response to comments received (for initial determination of consistency)	5.5 (Local SMP Adoption Process)
January 2021	Receive initial determination from Ecology (30 days)	
February 2021	Revise documents following Ecology review, as needed	
	City Council adoption of SMP (and CAO amendments, if necessary)	5.6 (Local SMP Adoption Process)
	Submit to Ecology locally adopted SMP(and CAO amendments, if necessary) & periodic review checklist	5.6 (Local SMP Adoption Process)

Commented [DN1]: One meeting anticipated at this point, but more may be needed depending upon PC input

Commented [DN2]: NOTE: City looking to hold public hearing on October 6th or 20th. Therefore, comment period should be targeted to begin mid- to late-September.

Commented [DN3]: Are more PC meetings anticipated prior to Ecology submittal?

Commented [DN4]: Will the PC want to approve again before it is submitted to Council for adoption?

* Can extend SEPA comment period to 30 days to coincide with SMP 30-day comment period.

LACEY PLANNING COMMISSION
STAFF REPORT
July 21, 2020

SUBJECT: **2020 Stormwater Comprehensive Plan – Public Review Draft**

RECOMMENDATION: Receive a briefing from staff on the Stormwater Comprehensive Plan (SCP) update and the public outreach conducted. The SCP is part of the 2020 slate of Comprehensive Plan amendments and will be scheduled for a public hearing for this fall.

TO: Lacey Planning Commission

STAFF CONTACTS: Rick Walk, Community and Economic Development Director
Ryan Andrews, Planning Manager
Doug Christenson, Water Resources Engineer

ATTACHMENT(S): 1. Website link to draft 2020 Stormwater Comprehensive Plan: **www.ci.lacey.wa.us/storm**

PRIOR REVIEW: Planning Commission briefing, June 18, 2019.
Planning Commission briefing, September 17, 2019.
(Note: a Planning Commission briefing on the SCP public review draft scheduled for March 17, 2020 was cancelled due to COVID-19 outbreak)

BACKGROUND:

The first complete update to Lacey's original Stormwater Comprehensive Plan (SCP) has been in progress over the past two years. An initial draft was reviewed by internal stakeholders in August 2019, then a revised second draft in December 2019 was also reviewed internally. After these two cycles of internal review, comments, and revisions, a third draft SCP was produced, and has been posted on the City of Lacey website for public review and comment since February 28, 2020. After an extended public review period and public outreach efforts inviting public feedback, the 2020 Stormwater Comprehensive Plan is now being finalized.

The 2020 SCP has three primary purposes: (1) to provide a multi-year plan to guide the programs, activities, and projects of Lacey's Storm and Surface Water Utility; (2) to ensure continued compliance with evolving regulatory mandates; and (3) to provide information and transparency to our stormwater utility ratepayers.

Three main factors are driving the 2020 SCP update: (1) increasing requirements mandated by the updated 2019-2024 Western Washington NPDES Phase 2 Municipal Stormwater Permit; (2) a necessary update to the Stormwater Capital Improvement Program (CIP) project plan;

and (3) an updated Stormwater Utility financial analysis, including recommendations for service charge rates to ensure adequate funding of utility programs and projects.

The intent with this 2020 SCP update was to create an informative and readable document for Lacey Stormwater Utility ratepayers, with relevant information presented with an abundant use of color, graphic elements, photos, and local highlights. Verbiage has been reduced to emphasize main points using concise wording, with further supporting information available in the appendices. The 2020 SCP resides on the City website, so the document is formatted for the online reader, including several hyperlinks to sources of further information.

The 2020 SCP includes descriptions and analysis of the new compliance requirements of the 2019-2024 Phase II Permit, the resulting impacts on Lacey's stormwater program activities, and recommended staffing levels. The proposed Capital Improvement Program (CIP) for the years 2020-2025 recommends a combination of new drainage infrastructure construction, improvements to existing facilities, mandated undertakings, and programmatic endeavors.

A Public Participation Plan was created as a working document to chronicle outreach efforts as the SCP update progressed. The intent of the Public Participation Plan is to ensure a meaningful and inclusive public involvement period, particularly for the Lacey utility ratepayers who contribute to the support of our stormwater utility's wide range of projects, programs and activities. It was last updated in June 2020, serving as a record of the outreach conducted in 2019-2020 during the plan development, public review period, and completion.

A draft financial analysis and rate study completed in April 2020 was developed as part of the plan update. The rate study assessed the utility finances, program improvements recommended in the draft plan, and includes utility service charge rate recommendations. The final rates will be reviewed and approved through the Council budgetary process based on the stormwater plan reviewed by the Planning Commission. The draft rate study recommends an alternative ESU (equivalent service unit) method for service charges for enhanced equitability. Conversion to the ESU method will require extensive analysis of demographic and land parcel information to develop an equitable rate structure. The ESU study is a potential project for next year and would include its own extensive outreach effort. The financial analysis and rate study are included as an appendix in the final SCP document.

The third draft of the 2020 SCP was posted on the stormwater webpage of the City of Lacey website at **www.ci.lacey.wa.us/storm** on February 28, 2020 for the public review period, which extended through March, April, May, and June 2020.

Feedback from the public review consisted of one positive comment on the city's Facebook feed and several questions during the May 20th "virtual open house" webinar presentation. The online "Zoom" webinar was conducted in lieu of an in-person open house, due to the social distancing imposed by the COVID-19 pandemic.

Since there were no substantive comments on the draft plan from the public review, the 2020 Stormwater Comprehensive Plan is being finalized with minor edits and added information.

RECOMMENDATION:

Review the final draft 2020 Stormwater Comprehensive Plan, and conduct a public hearing on or before October 6, 2020 to formally recommend the 2020 SCP for adoption by council.