

Ordinance No. 00057

[Council Minutes 96/02/12](#)

ORDINANCE NO. 57

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AN ORDINANCE of the City Council of the City of Lakewood, Washington, approving the adoption of the Pierce County Shoreline Master Program, the adoption of the Pierce County Shoreline Use Regulations to be effective until the effective date of the City of Lakewood amended Shoreline Use Regulations

WHEREAS, the City of Lakewood is desirous of having in place and able to be used for addressing developmental concerns Shoreline Master Program Policies as well as Shoreline Use Regulations; and,

WHEREAS, because the City of Lakewood is a newly incorporated City, it has not had time to have its own Shoreline Use Regulations adopted and approved, however, in order to assure continuity of developmental concerns for Shoreline issues, it is appropriate for the City Council to adopt the Shoreline Master Program of Pierce County, to have its policies in place, and to adopt the Pierce County Shoreline Use Regulations by reference with those Shoreline Use Regulations to be effective during the interim period of time until the amended Shoreline Use Regulations of the City of Lakewood have become effective; and,

WHEREAS, because it takes time for the Department of Ecology to approve Shoreline Use Regulations, it is appropriate that the City's amended Shoreline Use Regulations be adopted at the same time so that the City may request approval by the Department of Ecology with those regulations becoming effective May 1, 1996.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That the Pierce County Shoreline Master Program, a copy of which is attached hereto, marked as Exhibit AA@ be, and the same hereby is approved and adopted as the Shoreline Master Program for the City of Lakewood.

Section 2. That the Shoreline Use Regulations of Pierce County, Pierce County Code title 20, a copy of which shall be kept on file in the office of the City Clerk during the term of its effectiveness, is adopted by this reference as the Interim Shoreline Use Regulations of the City of Lakewood, to be effective until the Amended Shoreline Use Regulations of the City of Lakewood become effective as provided in Section 3 below.

Section 3. That the City of Lakewood Amended Shoreline Use Regulations, a copy of which is attached hereto, marked as Exhibit AB@ and incorporated herein by this reference, be, and the same hereby is adopted as the Shoreline Use Regulations of the City of Lakewood, to be effective May 1, 1996, contingent upon approval by the Department of Ecology.

Section 4. That City staff is authorized and directed to submit the Amended Shoreline Use Regulations marked and referenced herein above as Exhibit AB@ to the Department of Ecology for approval.

Section 5. That if any portion of this Ordinance including the attached Exhibits, or its application to any person or circumstance is held to be invalid, the remainder and its application to any other persons or circumstances shall be unaffected.

Section 6. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996.

ADOPTED by the City Council this 12th day of February, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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EXHIBIT "A"
TITLE 20 OF PIERCE COUNTY CODE
PIERCE COUNTY SHORELINE
MASTER PROGRAM

INTRODUCTION

SHORELINE MANAGEMENT ACT OF 1971 - SUMMARY

General Purpose and Description

The 1971 Session of the Washington State Legislature expressed a strong concern that the shorelines in the state are among the most valuable and fragile of our natural resources and that we should be concerned about their protection and management. As a result, the Shoreline Management Act of 1971 was passed and went into effect as law on June 1, 1971. It was subsequently approved by the electorate of the State when it appeared as initiative 43B in the 1972 General Election.

The basic intent of this Act is to provide for the management of the state shorelines by planning for and fostering all reasonable and appropriate uses and to insure, where development takes place, that it is done in a manner which will promote and enhance the best interest of the general public.

The law provides for both the State and local governments to engage in a coordinated effort for the planning and administration of the Act. In addition, it encourages full opportunity for citizen involvement in permit decisions as well as in preparing the plan itself, which in turn is expected to determine the degree of success of the total Shoreline Management Program.

Under the law, each city and county in the State of Washington having shorelines affected by the Act shall be responsible for the following:

- 1) Administration of a shoreline Permit System for proposed substantial development within 200 feet of designated water bodies.
- 2) Development of an Inventory of natural characteristics and land use patterns along those designated water bodies.
- 3) Preparation of a Master Program to best determine the future uses of all shorelines within their jurisdictional boundaries.

Scope of the Act

Generally, provisions of the Act cover the following:

- 1) All marine shorelines.
- 2) All streams, rivers, and their associated wetlands downstream from a point where the mean annual flow is twenty cubic feet per second or greater.
- 3) All lakes and their associated wetlands which are twenty surface acres or larger in size.

Jurisdiction for these shorelines includes all land covered by water and those lands extending landward from the shoreline two hundred feet in all directions as measured perpendicular and on a horizontal plane from the ordinary high water mark.

Shorelines of Statewide Significance

In addition to the above certain shorelines of statewide significance (lakes over 1,000 acres in area and rivers where the mean annual flow exceeds 1,000 cubic feet per second) have been designated by the state law.

They include in Pierce County:

Alder Lake
Lake Tapps
American Lake
Puyallup River (Mouth to confluence with Carbon River)
Nisqually River (Mouth to Elbe Bridge)
White River (Confluence with Puyallup River to confluence
with Greenwater River)
Nisqually Delta

The Act identifies special policies for these shorelines which are intended to express the interest of all the people in Washington State. These policies are listed below in order of preference.

- A.) Recognize and protect the statewide interest over local interest by obtaining the advice and opinions from statewide interest groups, appropriate state agencies, experts from scientific fields pertinent to shoreline management, and the general public.

- B.) Preserve the natural character of the shoreline as much as possible by designating shoreline environments and use regulations to minimize man-made intrusions and by upgrading and redeveloping intensively developed areas to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use on underdeveloped areas.
- C.) Plan for long-term over short-term benefit by preparing a master program designed to preserve the shorelines for future generations. This should be accomplished by limiting actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance by evaluating the short-term economic gain or convenience of developments in relationship to long-term and potentially costly impairments to the natural environment. Aesthetic considerations should also be considered when contemplating new development, redevelopment of existing facilities or for the general enhancement of shoreline areas.
- D.) Protect the resources and ecology of shorelines by leaving undeveloped those areas which contain a unique or fragile natural resource by preventing erosion and sedimentation that would alter the natural function of the water system and by limiting excavations or other actions which would increase the likelihood of erosion.
- E.) Increase public access to publicly owned areas of the shorelines by giving priority to developing paths and trails to shoreline areas developing linear access along the shorelines, developing upland parking, and locating development inland from the ordinary high water mark so that access is enhanced.
- F.) Increase recreational opportunities for the public on the shorelines by planning for, and encouraging, development of facilities for recreational use of the shorelines.

A map and accompanying list of all Pierce County shorelines affected by the Shoreline Management Act appears on the next two pages.

TABLE 1 - PIERCE COUNTY SHORELINES WITHIN
THE JURISDICTION OF THE SHORELINE MANAGEMENT ACT

Marine

All marine waters in Pierce County with the exception of McNeil Island.

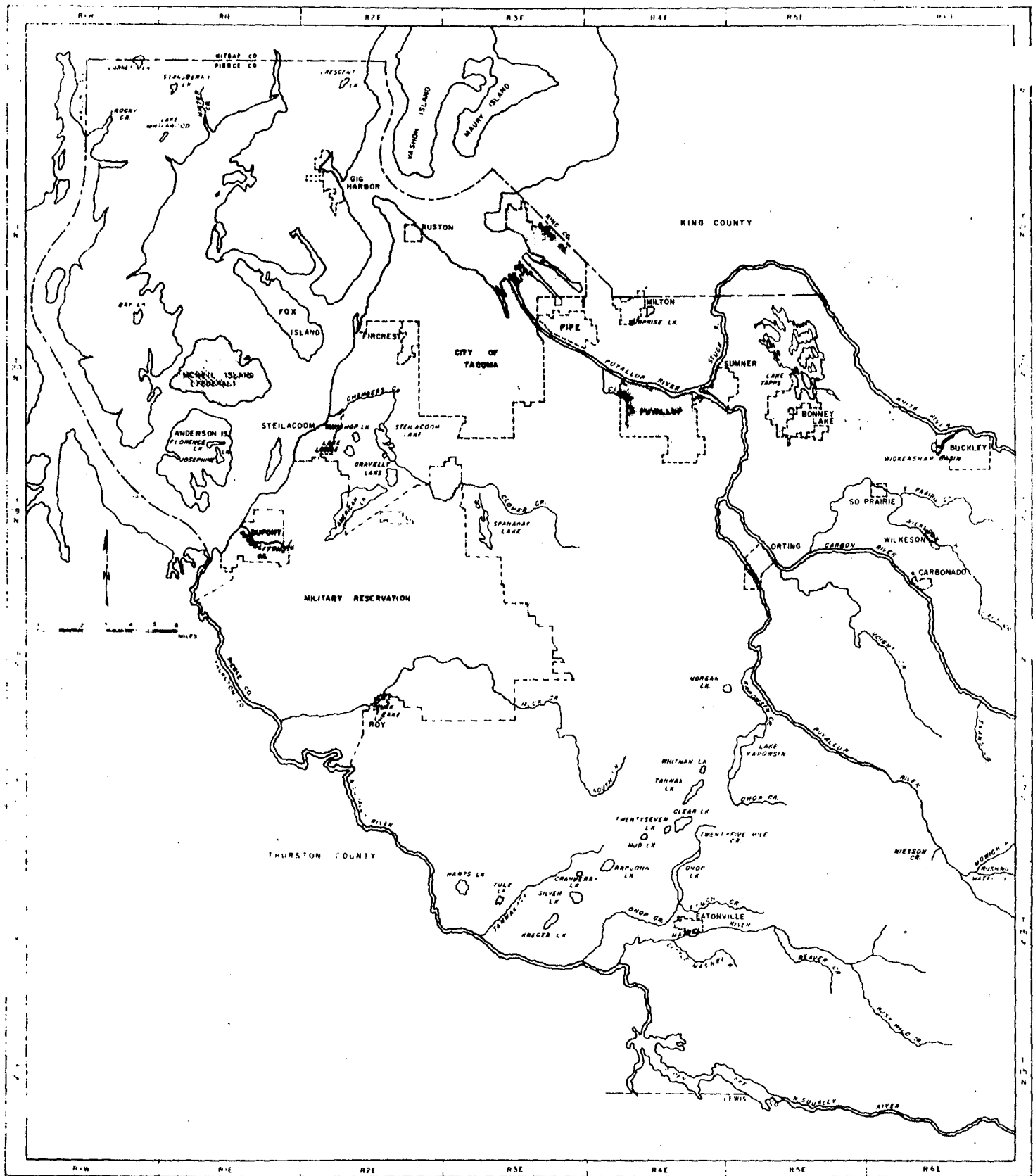
Rivers and Streams

- | | |
|-------------------------|---------------------------------------|
| 1) Beaver Creek | 19) Niesson Creek |
| 2) Busy Wild Creek | 20) Nisqually River |
| 3) Carbon River | 21) Ohop Creek |
| 4) Chambers Creek | 22) Ohop Creek |
| 5) Clark's Creek | 23) Puyallup River |
| 6) Clearwater River | 24) Rocky Creek |
| 7) Clover Creek | 25) Rushing Water Creek |
| 8) Evans Creek | 26) South Creek |
| 9) Gale Creek | 27) South Prairie Creek |
| 10) Greenwater River | 28) Spanaway Creek |
| 11) Kapowsin Creek | 29) Tanwax Creek |
| 12) Little Mashel River | 30) Twenty-Five Mile Creek |
| 13) Lynch Creek | 31) Unnamed Tributary to Mashel River |
| 14) Mashel River | 32) Voight Creek |
| 15) Milky Creek | 33) West Fork of the White River |
| 16) Minter Creek | 34) White River |
| 17) Mowich Creek | 35) Wilkeson Creek |
| 18) Muck Creek | |

NOTE: Does not include Indian Reservations or Federally owned lands.

Lakes

- | | |
|---------------------|-------------------------------|
| 1) Alder Lake | 18) Lake Twenty-seven |
| 2) American Lake | 19) Morgan Lake |
| 3) Bay Lake | 20) Muck Lake |
| 4) Carney Lake | 21) Mud Lake |
| 5) Clear Lake | 22) Ohop Lake |
| 6) Cranberry Lake | 23) Rapjohn Lake |
| 7) Crescent Lake | 24) Silver Lake |
| 8) Gravelly Lake | 25) Spanaway Lake |
| 9) Harts Lake | 26) Stansberry (Holiday) Lake |
| 10) Kapowsin Lake | 27) Surprise Lake |
| 11) Kreger Lake | 28) Tanwax Lake |
| 12) Lake Florence | 29) Tule Lake |
| 13) Lake Josephine | 30) Waughop Lake |
| 14) Lake Louise | 31) Whitman Lake |
| 15) Lake Minterwood | |
| 16) Lake Steilacoom | |
| 17) Lake Tapps | |



PIERCE COUNTY SHORELINES
 WITHIN JURISDICTION OF THE
 SHORELINES MANAGEMENT ACT.

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DESCRIPTION OF PIERCE COUNTY SHORELINE MASTER PROGRAM

The Shoreline Management Act requires Pierce County to develop a Master Program for the future use of its shorelines. By its definition, a master program is general, comprehensive, and long-range in order to be applicable to the whole area for a reasonable length of time under changing conditions.

"General" means that the policies, proposals and guidelines are not directed towards any specific site.

"Comprehensive" means that the program is all inclusive toward land and water uses, their impact on the environment and logical estimates of future growth. It also means that the program should recognize plans and programs of other governmental units, adjacent jurisdictions and private developers.

"Long-range" means that the program is to be directed at least 20 to 30 years in the future, look beyond immediate issues, and follow creative objectives rather than a simple projection of current trends and conditions.

The policies of the Shoreline Management Act and all applicable goals, policies and use regulations of this Pierce County Master Program shall be considered in ruling upon applications for Substantial Development permits.

The Master Program consists of the following:

- 1.) Goal Statements
- 2.) Supporting Policies
- 3.) Environment Designations
- 4.) Use Regulations

Table number 2 which follows identifies these tasks more fully and groups them into phases.

TABLE 2 - SHORELINE MASTER PROGRAM - PHASES

Phase I

1. Develop area-wide goals which relate to the following plan elements: Economic development, public access, circulation, recreation, shoreline use, conservation, and history/culture. Goals represent the ideal state a community seeks to attain and are usually set higher than the expected achievement.
2. Develop policies to clarify and amplify the goals. Policies are action oriented directives selected to guide activities towards realization of the desired use of county shorelines.

Phase II

1. Study the shoreline Environments (Natural, Conservancy, Rural, Rural Residential and Urban) and apply them to all Pierce County shorelines. Placement will reflect intent for future uses rather than the status quo.
2. Develop regulations for specific land and water uses within the environments mentioned above. The Use Regulations will deal with location and design criteria for specific development activities, and are intended to be more precise than the policy statements.

Phase III

1. Conduct detailed studies concerning plan elements, their implementation, and integration with related federal, state, and Pierce County policies and plans. This is intended to be a continuous, ongoing procedure, with no time frame.

GOAL AND POLICY STATEMENTS

Introduction

The Master Program as defined by the Act is a program that includes planning and regulation. The function of the Master Program is to develop a set of general and basic goals then to formulate more specific policies and lastly to implement these planning efforts by developing regulations which are a direct reflection of the goals and policies.

The goals and policy statements include the following aspects of the Master Program:

1. Familiarization of the Citizens Advisory Committee to the various aspects of the Shoreline Management Act by virtue of their involvement in goal and policy formulation.
2. Determining the locations and boundaries of the five shoreline environments.
3. Determining use regulations for shoreline activities.
4. Decision making on applications for substantial developments, variances, and conditional uses.
5. Coordination with other planning management and regulatory efforts both private and public.
6. Determination of future courses of study and research.
7. Coordination with the State Planning effort and similar efforts by adjoining jurisdictions.
8. A framework for the Master Program and other shoreline related problems and issues.

The goals are written around eight general land and water use elements. Also included in this section is a Preamble which states the basic goal of the citizens of Pierce County.

The plan elements are:

- A. Economic Development
- B. Public Access
- C. Circulation
- D. Recreation
- E. Shoreline Use
- F. Conservation
- G. Historical/Cultural

The policy statements are intended to be refinements of the goals. (As stated above). The policy statements have been grouped around "uses" or "activities" that occur on or near shorelines or in the waters themselves. Each group of policy statements reflects the goals that pertain to a particular use or activity.

"Pierce County shall consider the goals, policies and use regulations of this Shoreline Master Program in all land use management actions regarding the use or development of adjacent uplands and non-designated shorelines within its jurisdiction in order to achieve the consistency required by the Shoreline Management Act."

GOAL STATEMENTS FOR LAND AND WATER USE ELEMENTS

It shall be the general goal of Pierce County to preserve and enhance the environment by regulating the conservation, recreation, circulation, public access, historical/cultural and economic development elements on shorelines and related surrounding areas to the end that they shall return to the community, state, private property owners and public-at-large the greatest good compatible with the least possible disturbance.

Economic Development Element

For the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations.

Goal: Permit only that shoreline economic development which will enhance the quality of life with maximum preservation of the natural environment.

Public Access Elements

For assessing the need for providing public access to shoreline areas.

Goal: Assure diversified access for the public to the shorelines of the county, widely distributed to avoid concentration of user pressure and compatible with retention of natural features; discourage those intrusions that will endanger life, property, or have adverse effects on fragile environments. Preserve and enhance views of the shoreline and water from upland areas.

Circulation Element

For assessing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public facilities and correlating those facilities with the shoreline use elements.

Goal: Encourage circulation systems that will satisfy public and economic needs while protecting the rights of affected property owners and the natural environment, and exist in harmony with the land use and shoreline planning.

Recreational Element

For the preservation and expansion of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition.

Goal: Assure diverse, convenient and adequate water related recreational opportunities along the shorelines of the county with maximum preservation of the natural environment; encourage acquisition of additional shoreline property for recreational use.

Shoreline Use Element

For considering: (1) The pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including, but not limited to, housing, commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources. (2) The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation.

Goal: To promote the best possible pattern of land and water uses, to assure that individual uses are placed on sites appropriate to such uses, to assure that lands and waters of specific natures are available to uses which need such special types of lands and waters, and to generally devise a pattern beneficial to the natural and human environments on designated shorelines and adjacent lands including shorelines upstream from designated shorelines.

Conservation Element

For the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

Goal: To insure continuous sound management in the preservation of unique, fragile, and scenic elements, and of non-renewable natural resources; encourage the best management practices for the continued utilization of renewable resources of the shorelines.

Historical/Cultural Element

For protection and restoration of buildings, sites and areas having historic, cultural, educational or scientific values.

Goal: Encourage the identification, protection, preservation and restoration of shoreline sites or structures having historical, cultural, educational, or scientific value with maximum preservation of the natural environment.

PIERCE COUNTY SHORELINE ENVIRONMENT DESIGNATIONS

Intent

In order to more effectively plan and manage shoreline resources through the development of the Shoreline Master Program, a system of categorizing shoreline areas through a classification to be known as "Environments" has been utilized. This system is being used as a mechanism for applying appropriate land use policies and regulations to distinctively different shoreline areas.

The application of this system is not intended to be a substitute for but rather a supplement to local planning and land use regulations. These environments will hopefully guide the use of all County shoreline areas by planning for development and development patterns which enhance the desired character of the specific environments rather than overtly precluding the presence of certain uses in designated environments. The "Environment" system will attempt to insure that different shoreline uses or types of development are designed and located so as to minimize conflicts between the proposed use and stated policies of the pertinent environment classification. It is a system that encourages uses which enhance the character of the environment and at the same time place reasonable standards and restrictions on developments which might disrupt the character of the environment.

The placement of an environment designation on a specific area or site is based on the existing development pattern, the biophysical limitations and capabilities of the shoreline area being considered and the Goals and Aspirations of the Citizens.

The following pages include a detailed description of each environment. This includes the definition and purpose, general regulations and policies, and preferred uses appropriate for each environment. Following this description is a list of all legal boundaries for each environment designation for all shorelines within Pierce County that are under Shoreline Management jurisdiction. A map of the Pierce County Shoreline Designations has also been included.

THE URBAN ENVIRONMENT

A. Definition and Purpose

The Urban Environment is an area of high intensity land use including residential, commercial and industrial development. It is an environment designation that is particularly suitable for those areas which are presently subjected to intensive use pressure as well as those areas planned to accommodate urban expansion. The objective of assigning an area to an Urban Environment is to ensure optimum utilization of shorelines occurring within areas which are either presently urbanized or projected to be urbanized. This should be done by identifying areas physically suited to intensive use providing for intensive public use and by managing development so that it enhances and maintains the shorelines for a variety of urban uses.

B. General Regulations and Policies

The following general regulations and policies should apply to all shoreline areas classified as belonging in an Urban Environment:

1. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities.
2. Because shorelines suitable for urban uses are a limited resource, emphasis should be given to development within already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters.
3. Priority should be given to urban developments for public visual and physical access to water in the urban environment.
4. Planning for the acquisition of urban land for permanent public access to the water in the urban environment should be encouraged.
5. To enhance waterfront and ensure maximum public use, industrial and commercial facilities should be designed to permit pedestrian waterfront activities. When practical, access points should be linked to non-motorized transportation routes.
6. Designation for future urban expansion should include provisions for maintaining those features unique to urban shoreline areas.

RURAL-RESIDENTIAL ENVIRONMENT

A. Definition and Purpose

The Rural-Residential Environment is an area of medium intensity land use: that is, having use types and densities which do not imply large-scale alterations to the natural environment. It is an area that will serve as a buffer between the highly intensive development of the urban environment and the non-intensive development of rural environment. It is an Environment Designation that will allow medium intensity residential, commercial and agriculture development. The purpose of assigning an area to a Rural-Residential Environment is to allow for a natural transitional area between the sometimes incompatible intensive land uses of urban areas and the agricultural uses, recreational uses, and open space found in the rural environment.

B. General Regulations and Policies

The following general regulations and policies should apply to all shoreline areas classified in a Rural-Residential Environment:

1. Existing land use patterns that reflect a suburban environment and also by virtue of existing development do not have the potential for supporting intensive agricultural or recreational activities should be designated as a Rural-Residential Environment if urban expansion is not anticipated.
2. Medium intensity residential uses should be encouraged in the Rural-Residential Environment in order to relieve pressure from urbanized areas and provide living area for those wishing to enjoy a less densely developed shoreline.

3. Preferred Uses

Single Family residence

Neighborhood commercial uses such as small service

THE RURAL ENVIRONMENT

A. Definition and Purpose

The Rural Environment is intended for those areas which are presently used for intensive agricultural and recreation purposes or for those areas having the potential of supporting intensive agricultural and recreational development. The Rural Environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, and encourage the preservation of open spaces and opportunities for recreational uses compatible with agricultural activities.

B. General Regulations and Policies

The following general regulations and policies should apply to all shorelines classified in a Rural Environment:

1. Prime agricultural land should be maintained for present and future agricultural needs.
2. New developments in a Rural Environment should reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from the water.

C. Preferred Uses

Intensive agricultural uses
Intensive recreational uses
Low density residential uses

THE CONSERVANCY ENVIRONMENT

A. Definition and Purpose

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

B. General Regulations and Policies

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

1. Areas should maintain their existing character.
2. Developments which do not consume the natural physical resource base should be encouraged.
3. Substantial and nonsubstantial developments which do not lead to significant alterations of the existing natural character of an area should be encouraged.

C. Preferred Uses

Outdoor recreation activities
Commercial timber harvesting
Passive agricultural uses (pasture and range lands)

THE NATURAL ENVIRONMENT

A. Definition and Purpose

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

The designation of an area as a Natural Environment should be based on one or more of the following criteria:

1. There should be present some unique natural or cultural feature considered valuable in its natural or original condition.
2. The natural shoreline is relatively intolerant of intensive human use.
3. The shoreline is valuable as a historical, cultural, scientific or educational site by virtue of its natural unaltered original condition.
4. The site is unaltered and graphically depicts prevailing local physical systems such as feeder cliffs and spits.
5. The shoreline area, which by virtue of strongly expressed local and/or statewide need, should be preserved in its original condition.

B. General Regulations and Policies

The following general regulations and policies should apply in all shoreline areas classified as Natural Environments:

1. All developments which would potentially degrade or significantly alter the natural character should be regulated.
2. The main emphasis of regulation in these areas should be on the preservation of natural systems and resources which will not allow man to consider any type of development which will effect the natural condition of the area.
3. Physical alterations should only be considered when they serve to protect a significant, unique or highly valued feature which might otherwise be destroyed.

C. Natural Resource Systems to be considered

The following is a partial list of natural or cultural features which might be preserved through inclusion in a Natural Environment:

Spits
Bars
Lagoons
Typical river segments
High bank shorelines
Low bank shorelines
Sandy beaches
Wildlife habitats
Coves
Lakes
Marshlands
Swamps
Estuaries
Educational features
Scientific features
Historical features

USE ACTIVITY POLICIES

Shoreline use activities are specific classifications of the various types of activities which can be anticipated to occupy shoreline locations.

The Department of Ecology final guidelines for Master Program development established twenty-one use activities and set minimum guidelines for managing each activity. In addition to this the Citizens' Advisory Committee added four use activities which they felt were needed in order to effectively manage the shoreline areas of Pierce County.

Use activity policies are a means of guiding types, locations, designs, and densities of the future shoreline developments. These general policies are implemented by the use regulations which are included in Phase II of the Master Program.

The policies and regulations of each use activity have been developed on the premise that all appropriate shoreline uses require some degree of control in order to minimize adverse affects to the shoreline environment and adjoining properties.

Each project which falls within the jurisdiction of the Act will be evaluated to determine its conformance with the policies and regulations of the appropriate use activities.

POLICY STATEMENTS FOR SHORELINE DEVELOPMENT IN PIERCE COUNTY

Agricultural Uses:

- (a) The application of agricultural chemicals should not result in direct violations of state water quality standards.
- (b) Programs to promote access to and along shorelines in agricultural areas should be encouraged.
- (c) Encourage the preservation of existing and potential agricultural and open space land uses in floodplains by comprehensive land-use planning. A soil classification system similar to the USDA Soil Conservation Services agricultural land capability classification should be used as a basis for the plan to determine land to be retained. Interspersed relatively small areas of land not suitable for agriculture should be retained as open space.
- (d) Pierce County should provide assistance to agriculture for means of controlling the runoff of substances having a deleterious effect on water quality.
- (e) Buffers of permanent vegetation between tilled areas and associated water bodies which will retard surface runoff and reduce siltation should be maintained.
- (f) Sites for intensive use by stock should incorporate provisions to restrict the infiltration of water areas by animal wastes. Also the location of these sites should respect the problems of water contamination.
- (g) Local governments should encourage the use of erosion control measures, such as crop rotation, mulching, strip cropping and contour cultivation in conformance with guidelines and standards established by the Soil Conservation Service, U.S. Department of Agriculture.

Aquacultural Practices:

- (a) The use of shoreline areas for aquaculture should be encouraged for the production of commodities for human consumption and utilization.
- (b) Shoreline areas having the extremely high prerequisite qualities for aquacultural uses should be preserved in order to protect Pierce County's aquacultural potential.

- (c) Aquacultural operations should be encouraged to locate at the above mentioned sites (b) in order to effectively maximize our use of the shoreline resource.
- (d) Aquacultural operations should be encouraged to locate and operate in a manner which will preclude damage to specific fragile areas and existing aquatic resources. These operations should generally maintain the highest possible levels of environmental quality.
- (e) The processing of aquacultural products should not have significant detrimental effects on adjacent water areas and wetlands.
- (f) Aquacultural enterprises should be located in areas where the navigational access of upland owners and commercial traffic is not significantly restricted.
- (g) Recognition should be given to the possible detrimental impact aquacultural development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area.
- (h) As aquaculture technology expands with increasing knowledge and experience, preference should be placed on underwater structures which do not interfere with navigation or impair the aesthetic quality of Washington Shorelines.

Effluent Disposal:

- (a) The county should undertake a comprehensive water quality monitoring system to serve as an early warning system for the detection of pollution sources.
- (b) County sanitary regulations regarding sewage treatment and disposal should be strictly enforced in shoreline areas. Measures should be taken to prevent the proliferation of septic tanks in areas of increasing residential density or where soils are not suitable.
- (c) Sewage outfall should be prohibited in areas that are suitable for food production. Water treatment chemicals should not enter such waters.
- (d) Effective steps should be taken to prevent leachate from sanitary landfills, other waste disposal sites, industrial installations or other sources of potential contamination from reaching shoreline waters.

Forest Management Practices:

- (a) Seeding, mulching, matting and replanting should be accomplished where necessary to provide stability on areas of steep slope which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of the logged area.

Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.

- (b) All economic and social values including, but not limited to, natural resources, education, recreation and public health should be considered in determining and applying use regulations for forest management.
- (c) In logging operations, slash and other debris should not be allowed to enter stream channels; if such debris does enter a channel, it should be removed by approved procedures.
- (d) Forest practices have a definite impact on the environment, therefore, Use Regulations should set minimum acceptable operating standards for the following forest practices:
 - 1) Regeneration
 - 2) Logging practices and land clearing
 - 3) Shoreline bank protection associated with logging
 - 4) Slash and waste disposal
 - 5) Road construction and maintenance
 - 6) Bridge and culvert construction
 - 7) Additional requirements for bridge and culvert installation in anadromous fish spawning streams
 - 8) Chemical applications
 - 9) Logging practices in shorelines of state-wide significance.
- (e) Encourage logging practices on small streams which will maintain spawning and rearing habitat and water quality and which will not adversely affect downstream areas. State health standards for public water supplies should be maintained.
- (f) Encourage application procedures and use regulations for fertilizers, herbicides, pesticides and other chemical agents which will prevent harmful substances from entering public waters in quantities which will violate state water quality standards.
- (g) Log storage and rafting should be conducted in a manner which will minimize adverse effects on public waters.
- (h) Logging should be discouraged in areas which cannot be regenerated.

- (i) Forest practice use regulations should take into account direct and indirect, quantifiable and unquantifiable, and known and reasonably suspected relationships between forest practices and diminished public use of our water resources. Effects on air and water quality, fish and wildlife resources, soil and geologic conditions, and water supplies should be considered.
- (j) Shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints in shoreline areas of the state are not degraded.
- (k) Logging within shoreline areas should be conducted to ensure the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

Commercial and Light Industrial Development:

- (a) Priority for commercial and light industrial development along shorelines should be given to water dependent uses, however, both related and non-water related uses may be allowed if a future higher priority use cannot be reasonably expected or if such use will be of appreciable public benefit by increasing public use, enjoyment or access to the shoreline.
- (b) All water related and non-water related commercial and industrial developments should be encouraged to locate upland.
- (c) Proposals for the location of all commercial and light industrial developments along shorelines should insure the protection of natural areas or systems which can be reasonably identified as having geological, ecological, biological, or cultural significance.
- (d) An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.
- (e) Encourage the location of commercial or light industrial facilities in a pattern which will eliminate sprawl and inefficient use of shoreline areas.
- (f) Any parking facilities associated with the commercial development of shoreline areas should be located away from the shoreline and screened therefrom.

- (g) Commercial development which increases the recreational opportunities of the citizens and which will be developed on the basis of a PUD or PDD concept should be encouraged.
- (h) Multiple use concepts including open space and recreation should be encouraged in the development of commercial uses.

Marinas:

- (a) Shallow-water embayments with poor flushing action should not be considered for overnight and long-term moorage facilities.
- (b) The location and design of marinas should be accomplished in a manner that will maximize the usefulness of the facility and its compatibility with the local environment. Marinas should be discouraged from locating in areas of high aquatic resource values. State Department of Fisheries, along with other applicable government agencies, marina guidelines should be consulted.
- (c) Prudent utilization of our shorelines implies the maximum physical and visual segregation of parking facilities and the shoreline resource.
- (d) The responsibility for the adequate collection and dumping of marine originating sewage, solid waste, and petroleum waste should be that of local marinas. Facilities for the prevention and control of fuel spillage should be incorporated into marina proposals.
- (e) Proposals for the location and expansion of marinas should include sufficient proof that the site has the flushing capacity required to maintain water quality.
- (f) Marinas should be located so as to minimize the consumption of our limited shoreline resource. This implies dry land, inland marinas, when appropriate, and the discouragement of wetland filling for the creation of "usable" land.
- (g) The design of marinas should not restrict the movement of sea life requiring shallow water.
- (h) Marinas should not be located in fragile areas such as estuaries, nor on sites important to natural stocks of shellfish, finfish, including spawning, feeding and rearing areas.
- (i) Areas displaying needs for marinas should be identified.

Mining:

- (a) No materials should be removed from a floodway or lakebed for the primary purpose of obtaining the material.
- (b) Removal of naturally occurring inorganic material from the intertidal area along marine beaches should be severely restricted.
- (c) The removal of naturally occurring inorganic materials within designated wetland areas should require an Environmental Impact Statement.
- (d) Any proposed mining activity within the geographical jurisdiction of the Shoreline Management Act should maintain public values by: 1) doing no permanent significant damage to the environment, 2) providing for adequate restoration subsequent to completion of the project, 3) maintaining effective visual and aural screening of the operation, 4) generally complying with the provisions of the Washington State Surface Mining Act.
- (e) Operators should not leave pits subject to flooding and subsequent stranding of fish.
- (f) When rock, sand, gravel and minerals are removed from shoreline areas, adequate protection against sediment and silt production should be provided.
- (g) The exploration for and subsequent production of petroleum products within the geographical jurisdiction of the Shoreline Management Act should be considered incompatible with the intent of the Act.

Outdoor Advertising, Signs, & Billboards:

- (a) The county should conduct periodic sign inspections to insure the adherence to standards of quality.
- (b) Commercial signs, warning signs, informational signs, etc. should be designed, located, and maintained in a manner that will not restrict the enjoyment of the shoreline resource.
- (c) Outdoor advertising and billboards should not be considered an appropriate use of the shoreline area under the jurisdiction of the Shoreline Management Act.
- (d) When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

Residential Development:

- (a) Recognizing that the location, density and design of residential development can have large impacts on hydrological systems, developers should be responsible for incorporating into their plans solutions to the problems of contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff.
- (b) The residential use of areas intrinsically unsuited for urban uses can have severe negative impacts on the environment along with creating conditions prone to natural disaster. Therefore, the County should prohibit the residential use of such unsuitable areas.
- (c) Planning for residential development should consider the capabilities of the physical base and existing development patterns and utilities.
- (d) New residential areas should not be developed where additional road construction would be required on shorelines.
- (e) Where residential development is considered appropriate, Pierce County should encourage the use of Planned Unit Developments and Planned Development Districts along shorelines in order to protect and enhance the quality of the shoreline.
- (f) Preference should be given to PDD's and PUD's which incorporate plans for increased public access to shorelines.
- (g) Adequate distances between shorelines and structural developments should be maintained in order to protect water quality, maintain dynamic systems, prevent dangerous geological stresses, and insure aesthetic quality.
- (h) Residential and other forms of urban development should be encouraged to locate in currently urbanizing areas in order to preserve existing natural areas and lessen the demand for costly utilities and other public services.
- (i) Residential development over surface water should be prohibited.
- (j) Subdivisions should be designed so as to adequately protect the water and shoreline aesthetic characteristics.
- (k) Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.
- (l) Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.

- (m) Residential development should occur only when adequate water supplies are available so that the ground water quality will not be endangered by overpumping.

Utilities:

- (a) Upon completion of installation/maintenance projects on shorelines, banks should be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is established. Plantings should be native species and/or be similar to vegetation in the surrounding area.
- (b) Whenever these facilities must be placed in a shoreline area, the location and design should be chosen so as not to obstruct or destroy scenic views. Transmission facilities paralleling a shoreline should be placed underground. When such facilities cannot be placed underground the county should encourage their location outside the shoreline area.
- (c) In cooperation with landowners, the county should attempt to incorporate major transmission line rights-of-way on shorelines into its program for public access to and along water bodies.
- (d) Utilities should be located to re-enforce goals and policies of comprehensive land-use planning.
- (e) Major generating facilities should be located with consideration for areas having high residential, recreational, agricultural and natural resource values.
- (f) The State of Washington Department of Fisheries and Ecology should be encouraged to establish minimum flow requirements on major rivers. Utilities requiring withdrawals of water should be located only where such minimum flows can be maintained.
- (g) Water discharged to rivers or marine waters should meet state water quality standards and should not present a thermal barrier to fish migration. Outfalls should not be located in important spawning, rearing or feeding areas, in estuaries or other fragile shorelines, or in close proximity to recreational shorelines.
- (h) Consolidation of utility facilities in rights-of-way should be encouraged.

Ports & Water-Related Industries:

- (a) Ports should be encouraged to develop master plans which would disclose future plans to utilize shoreline areas and serve long-range needs. Port developments should work in concert with other studies and plans including comprehensive land-use plans and Shoreline Master Programs.
- (b) As publicly owned entities, ports should take into consideration the total impact of projected development on all factors contributing to public welfare of the region.
- (c) Maximum use of existing port area should be accomplished prior to expansion into undeveloped areas.
- (d) It is evident that within a period of five years, areas in the port district used for placement of dredged silt will be filled to capacity. It should be recognized that silt, when properly drained, can be a valuable resource for agricultural and forest lands within a period of three years. Therefore, port authorities should be encouraged to recycle dredged material, when feasible, into areas in the county suitable for deposit of such materials for agricultural, storage-stockpiling or beautification processes, with the intent of restoring natural vegetation or transfer for agricultural or landscaping purposes.
- (e) Within shoreline areas, those industrial uses which are water dependent should have first priority over uses which are water-related in order to preserve shoreline area best suited for those intensive uses.
- (f) Port & water-related industrial developments should occur in areas which are physically suited for such uses to promote a minimum need for large scale physical alteration of the environment and the prevention of a worsening environmental quality in the form of lower water and air quality.
- (g) Ports should attempt to utilize to the fullest degree possible, existing transportation and industrial related services to prevent the needless proliferation of space and energy consuming land uses.
- (h) Port & water-related industries should occur in areas capable of handling expansion without supplanting residential, commercial, and agricultural uses.
- (i) Plans for expansion of ports & water-related industries should incorporate means of minimizing negative external effects on adjacent communities.
- (j) Ports should serve to protect and encourage the local fishing industry.
- (k) Expanded facilities for the handling of bulk crude petroleum should be discouraged.

- (l) Ports should not be located in fragile areas such as estuaries, nor on sites important to natural stocks of shellfish, finfish, including spawning, feeding and rearing areas.
- (m) In the development of new or expanded port facilities consideration should be given to resources and amenities existing on the proposed site. It should be the developer's responsibility to prove that the value of the proposed port development, to the people of the state, is greater than the tangible and intangible values which the public will be required to forfeit.
- (n) Multiple use concepts including open space and recreation should be used in the development of port areas.
- (o) Sewage treatment, water reclamation, desalinization and power plants should be located where they do not interfere with and are compatible with recreational, residential or other public uses of the water and shorelands. Waste treatment ponds for water-related industry should occupy as little shoreland as possible.
- (p) Land transportation and utility corridors serving ports and water-related industry should follow the policies provided under the Master Program sections dealing with utilities and road and railroad design and construction. Where feasible, transportation and utility corridors should be located upland to reduce pressures for the use of waterfront sites.
- (q) Since industrial docks and piers are often longer and greater in bulk than recreational or residential piers, careful planning must be undertaken to reduce the adverse impact of such facilities on other water-dependent uses and shoreline resources. The ultimate impacts of uses generated by the location of piers and docks should be considered in industrial dock and pier proposals.
- (r) The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

Bulkheads:

- (a) In order to maintain dynamic natural shore systems, owners of property containing feeder cliffs should be discouraged from constructing bulkheads in areas not already developed or not already subject to shoreline modification.
- (b) Bulkheads should be permitted only to protect developed property from waterside erosion. They should not intrude beyond MHHW more than is necessary for installation with minimum alteration of adjacent banks.

- (c) The construction of a bulkhead for the direct purpose of protecting created land should be prohibited.
- (d) Bulkheads should be constructed of concrete, wood, rock riprap or other suitable materials which could serve to accomplish the desired end with maximum preservation of natural characteristics. Design and construction methods should consider aesthetics and habitat protection.
- (e) The effect of proposed bulkheads on public access to publicly owned shorelines should be considered.

Breakwaters:

- (a) The construction of breakwaters should be permitted only in special cases where social and technical consideration demonstrates overall public benefit and they can be supported by the findings of an Environmental Impact Study.
- (b) Floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat.
- (c) Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water.
- (d) The restriction of the public use of the water surface as a result of breakwater construction must be recognized in the master program and must be considered in granting shoreline permits for their construction.

Jetties and Groins:

- (a) The construction of jetties or groins should be permitted only in special cases where social and technical consideration demonstrates overall public benefit and they can be supported by the findings of an Environmental Impact Study.
- (b) Sand movement and the effect of proposed jetties or groins on that sand movement must be considered. Provisions should be made to compensate for adverse effects on natural systems caused by groins, which compensation costs should be borne by the person who develops the groin.
- (c) Special attention should be given to the effect these structures will have on wildlife propagation and movement, and to a design of these structures which will not detract from the aesthetic quality of the shoreline.

Landfill:

- (a) The construction of landfills should be permitted only in special cases where social and technical consideration demonstrates overall public benefit and they can be supported by the findings of an Environmental Impact Study.
- (b) Landfills should be accepted for water-dependent uses only.
- (c) Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard to adjacent life, property, and natural resources systems.
- (d) All perimeters of fills should be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.
- (e) Fill materials should be of such quality that it will not cause problems of water quality. Shoreline areas are not to be considered for sanitary landfills or the disposal of solid waste.
- (f) In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

Solid Waste Disposal:

- (a) Shoreline areas should not be considered for solid waste disposal or transfer.
- (b) Existing shoreline solid waste disposal and transfer facilities should be expeditiously phased out and rehabilitated.
- (c) Solid waste disposal policies and regulations should be consistent with the Pierce County Solid Waste Management Plan and with applicable state regulations.
- (d) All developments, public and private, should provide for solid waste disposal facilities adequate for maximum estimated usage. Department of Ecology regulations should be followed.
- (e) All shoreline areas should be kept litter free. Private shoreline owners should be encouraged to maintain litter free beaches. Littering by trespassers should be restricted by strict enforcement of no trespassing rules by law enforcement officials.
- (f) The Washington State Litter law (RCW 70.93) should be strictly enforced in shoreline areas. Private organizations and individuals should be encouraged to support this effort.

- (g) State-wide regulations requiring holding tanks on boats and pump-out stations at landings and marinas should be introduced as soon as possible to insure water quality.
- (h) Programs for the recycling of solid waste should be encouraged.

Dredging:

- (a) It is evident that within a period of five years, areas in the port district used for placement of dredged silt will be filled to capacity. It should be recognized that silt, when properly drained, can be a valuable resource for agricultural and forest lands within a period of three years. Therefore, port authorities should be encouraged to recycle dredged material, when feasible, into areas in the county suitable for deposit of such materials for agricultural, storage-stockpiling or beautification processes, with the intent of restoring natural vegetation or transfer for agricultural or landscaping purposes.
- (b) Dredging should be permitted only in special cases where social and technical consideration demonstrates overall benefit and it can be supported by the finding of an Environmental Impact Study.
- (c) Dredging for the primary purpose of obtaining material should be prohibited.

Shoreline Protection:

- (a) Rivers existing in their natural state, which are not now influenced by urban growth and channelization, should be preserved in their natural state free of shoreline modification.
- (b) Maintaining the natural character of our rivers and streams should be justified by the following reasons:
 - 1) It allows natural flood plains to absorb flood waters,
 - 2) It allows recharge of aquifers,
 - 3) It prevents scouring of spawning beds for economically valuable commercial and sport fish runs,
 - 4) It retains vital food-chain connection between rivers and their associated wetlands,
 - 5) It prevents increased water temperature and lower dissolved oxygen levels resulting from unshaded riprapped banks,
 - 6) It prevents trapping of natural surface runoff behind dikes,
 - 7) It prevents downstream flood damage from increased surge velocity caused by channelizing structures,
 - 8) It preserves the recreational value of public waters,
 - 9) It reduces demand on taxpayers to subsidize private flood-plain development.

- (c) In the rare instances in which structural flood controls are permitted to protect private property, the cost of such devices should not be subsidized by the taxpayers of Pierce County unless there is a demonstrated public benefit.
- (d) Construction designed to protect the shoreline in conservancy and rural environments should be permitted only when necessary to protect life, buildings in existence on December 20, 1973, or land committed to intensive agricultural use.
- (e) All effort should be made to minimize the need for structural flood controls through a variety of programs, including limitation of building in historically flood prone areas, regulations on design of structures and limitation of increased peak flows from new developments on uplands.
- (f) Bank stabilization by planting of native vegetation should be encouraged.
- (g) Riprapping and other bank stabilization measures, when permitted, should be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway. Tangent setback dikes should be used.
- (h) Flood protection measures which result in channelization should be avoided. Where flood protection measures such as dikes are permitted, they should be placed landward of the streamway, including associated swamps and marshes and other wetlands which are strongly influenced by and in close proximity to the stream proper. These dikes should be made as aesthetically pleasing as possible and be suitable for wildlife habitat.
- (i) When application is made for structural flood controls on shorelines of state-wide significance, primary consideration should be given to the effect of the structures on the statutory preferred uses of such shorelines.

Roads and Railroads:

- (a) Whenever feasible, major highways, freeways and railways should be located away from shorelines except in port and heavy industrial areas, so that existing shoreline roads may be reserved for slow-moving recreational traffic. In planning and constructing roads and railroads which are not primarily scenic corridors, all efforts should be made to screen them from the shoreline view.
- (b) Roads and railroads should not be located so as to require large portions of streams to be routed into and through culverts. Perpendicular crossings should be encouraged rather than linear locations. Efforts should be made to find alternatives for the construction of roads and railroads along streambeds and shorelines and across wetlands. Roads and railroads which must be located in wetland areas should employ bridge-type construction rather than fill-type construction to minimize environmental destruction and to permit a natural movement of ground water.

- (c) All road and railroad construction should be designed to protect the adjacent shorelands against erosion, uncontrolled drainage, and other factors detrimental to the environment. All debris, overburden, and other waste materials from construction should be disposed of in such a way as to prevent their entry by erosion from drainage into any water body.
- (d) Road locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary. Other locations should be found if a planned road or railroad will subject a shoreline area to probable continuing slide or other uncontrollable dangers which endanger people or public resources.
- (e) Scenic corridors with public roadways should have provision for safe pedestrian and other non-motorized travel. Also, provision should be made for sufficient view points, rest areas and picnic areas in public shorelines. Such public areas should be encouraged to maintain the natural shoreline characteristics.
- (f) Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as low-volume pleasure bypass routes, especially where main highways, paralleling the old highway must carry large traffic volumes at high speeds.
- (g) Since land-use and transportation facilities are so highly inter-related, the plans for each should be coordinated. The design of potential high-use areas in master programs should be done after the environmental impact of the transportation facilities needed to serve those areas have been assessed.
- (h) Where roads must be constructed within the shoreline areas recycling of road building materials should be encouraged when feasible.
- (i) Publicly owned road ends and rights-of-way along shoreline areas should not be vacated, but remain in public ownership for future benefit.
- (j) Transportation elements which could be relocated to other than shoreline locations should be identified and a relocation program to accomplish this objective should be encouraged.
- (k) Transportation facilities that substantially increase levels of air, noise, and water pollution should be discouraged.
- (l) Bridges should be built high enough to allow the passage of debris and anticipated high water flows.
- (m) Abandoned road segments along shorelines should be restored to a stable, natural appearing condition. The costs of restoring abandoned, privately owned road segments should be borne by the developer.

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- (n) Efforts should be made to locate roads in such a manner that does not limit access to the shoreline.
- (o) Prior to the site preparation or construction of new roads or railroads, near the shoreline, of any type, an environmental impact study should be made in accordance with Washington State Environmental Policy Act of 1971.
- (p) New, efficient, pollution-free methods of transportation which have fewer environmental effects than present transportation methods should be encouraged.

Piers:

- (a) Piers in conjunction with marina development in appropriate areas should be allowed.
- (b) Piers in conjunction with recreational development in appropriate areas should be allowed. Consideration should be given to size and intensity of uses in relation to adjacent shoreline uses.
- (c) Piers for commercial facilities should be discouraged unless they are an integral part of the commercial operation.
- (d) Piers associated with single family residences should be discouraged.
- (e) In considering any pier, considerations such as environmental impact, navigational impact, existing pier density, parking availability, and impact on adjacent proximate land ownership should be considered.
- (f) Encourage the use of mooring buoys as an alternative to space-consuming piers such as those in front of single family residences.
- (g) Piers should not be built for the purpose of storing vehicles and/or boat trailers.
- (h) Piers and floating docks should be encouraged to be built perpendicular to the shoreline rather than along it.
- (i) Encourage pier construction to include larger spans on fewer pilings rather than smaller spans and more pilings. Piers in marine waters may provide habitat suitable for predatory fish with consequent detriment to young salmonids.
- (j) When plastics or other non-degradable materials are used in pier construction precautions should be taken to insure their containment.
- (k) Encourage the formulation and enforcement of pier maintenance regulations. Encourage regulations governing removal of piers and restoration of pier sites when no longer in use.

- (l) The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created.
- (m) Open-pile piers should be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired.
- (n) Priority should be given to the use of community piers and docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.
- (o) Areas having a significant near shore fishery should not be used for floating docks.

Educational & Archeological Areas & Historic Sites:

- (a) Archeological areas, ancient villages, military forts, old settlers homes, ghost towns, historic trails, kitchen middens, and historical cemeteries are nonrenewable resources and many are in danger of being lost through present day changes in land-use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved.
- (b) Professional archeologists should be consulted to identify and maintain an inventory of areas containing potentially valuable archeological data, and to establish procedures for salvaging the data.
- (c) Where possible, sites should be permanently preserved for scientific study, education, and public observation. In areas known to contain archeological data, local governments should attach a special condition to a shoreline permit providing for a site inspection and evaluation by an archeologist to ensure that possible archeological data are properly salvaged. Such a condition might also require approval by local government before work can resume on the project following such an examination.
- (d) Shoreline permits, in general, should contain special provisions which require developers to notify local governments if any possible archeological data are uncovered during excavations.
- (e) Consideration should be given to the National Historic Preservation Act of 1966 and chapter 43.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture.

- (f) The inventory provided for in guideline (b) should include the inventory of present day and past populations of native flora and fauna. The wildlife included in these lists should emphasize the plant foods and animal foods and other uses made of these wild forms.
- (g) Attempts should be made in the restoration of sites to point out the significance of the site and its location in relation to the flora and fauna.
- (h) Access trails to shorelines should pass protected, educational, historical, and archeological sites and areas.
- (i) Public acquisition of educational, historical, and archeological sites and the preservation thereof is encouraged.

Launching Ramps:

- (a) Launching ramps should be permitted in areas where there is a demonstrated need and where physical conditions, such as natural flushing, are capable of handling more intensive use.
- (b) Facilities to insure adequate, upland parking which can be screened from view should be provided.
- (c) Facilities for the efficient handling of sewage and litter should be provided.
- (d) Launching ramps should locate in connection with other recreational developments but should be well separated from swimming beaches.
- (e) Local and State agencies should seek to guarantee the maximum public benefit from boat launch facilities.

Recreational Practices:

- (a) Priority should be given to developments subject to permit requirements which provide recreational uses and other improvements facilitating public access to shorelines. Linear pedestrian access along privately owned shorelines should be encouraged through a variety of cooperative programs and policies.
- (b) Linkage of shoreline parks and public access points through the use of linear access should be encouraged through a variety of policies. Preference should be given to non-motorized uses such as pedestrian easements along tidelands, hiking paths and bicycle trails.

- (c) To avoid wasteful use of the limited supply of recreational shoreline parking areas should be located inland away from the immediate edge of the water and of beaches. Access should be provided by walkways or other methods. Vehicular traffic on beaches and fragile shoreline areas should be prohibited.
- (d) Non-water-related recreational facilities should be located outside of the shoreline area.
- (e) Encourage the adoption of regulations which will prevent chemicals, fertilizers, and other pollutants from entering waters.
- (f) The public's right to the use of navigable waters should be strongly protected.
- (g) Diversity of recreational uses should be based on the natural characteristics of the shorelines. Reconstruction of shorelines to meet standard design criteria should be severely restricted. Some examples of uses based on natural characteristics would be the development of riverside parks on inside curves of the river, use of sandy beaches for swimming, preservation of "lily pad" type shoreline for fishing, preservation of sea cliffs and their beaches as natural areas.
- (h) Pierce County should employ a variety of measures such as limiting parking lot size to prevent the over-use of fragile shorelines.
- (i) Pierce County should be encouraged to acquire additional shoreline recreational lands through a variety of means including fee purchase, acquisition of easements and options, and development rights and implementation of the Conservation Futures Act.
- (j) Recreational development, public and private, should be encouraged with the following considerations:
 - 1) Recreational development in urban areas and in commercial developments which promotes multiple use of the shoreline should be encouraged.
 - 2) Existing recreational facilities should be preserved where appropriate. Existing recreational facilities should be expanded where appropriate.
 - 3) Over-use of recreational facilities should be prevented by establishing appropriate on-going environmental impact studies. The curtailment of use should be required where over-use is demonstrated.
- (k) The preservation and enhancement of scenic views should have a high priority in shoreline recreational development.

- (l) Recreation facilities should be compatible with the intended character of the applied Environment designation.
- (m) Facilities for intensive recreational activities should be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses.
- (n) State and local health agencies have broad regulations which apply to recreation facilities, recreation watercraft and ocean beaches which should be consulted by local governments in preparing use regulations and issuing permits.

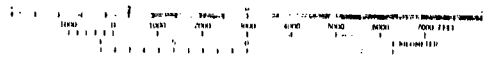
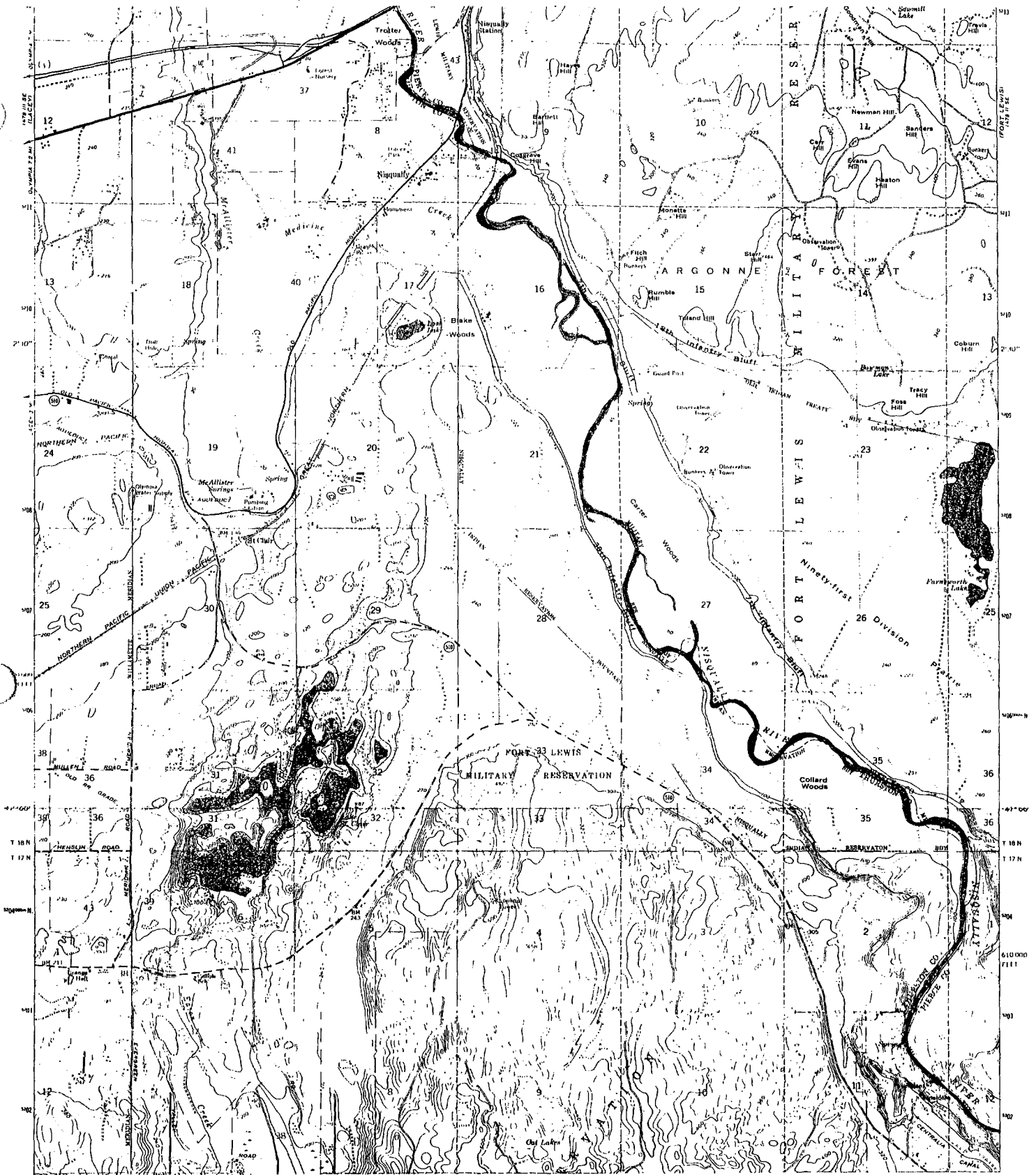
Reservoirs and Man-Altered Watercourses:

- (a) Any alteration of watercourses under the jurisdiction of the Shoreline Management Act should incorporate features to maintain or re-establish a viable natural ecosystem.
- (b) Where reservoirs and man-altered watercourses have created artificial environments which support rare or endangered species, such areas should be considered fragile areas and be subject to the considerations given such areas in the Master Program.

High Rise Structures:

Any structure of more than thirty-five feet above average shoreline grade level.

- (a) High rise structures should be prohibited adjacent to the shoreline, with exceptions made only when views of the shoreline would not be substantially obstructed due to topographic conditions, or some overriding considerations of the public interest would be served.



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EXHIBIT "B"

SEE GREEN NOTEBOOK ON COMPREHENSIVE PLAN & ZONING CODE

CITY OF LAKEWOOD

INTERIM SHORELINE USE REGULATIONS

JANUARY 30, 1996

SECOND DRAFT

EXHIBIT "B"

SEE GREEN NOTEBOOK ON COMPREHENSIVE PLAN & ZONING CODE

CITY OF LAKEWOOD

INTERIM SHORELINE USE REGULATIONS

JANUARY 30, 1996

SECOND DRAFT

**CITY OF
LAKEWOOD**

**INTERIM
SHORELINE USE
REGULATIONS**

ADOPTED

FEBRUARY 12, 1996

ACKNOWLEDGMENTS

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Chapter 14.06

PURPOSE, TITLE, SCOPE, AND APPLICABILITY

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14.06.010 Purpose.

14.06.020 Title.

14.06.030 Scope.

14.06.040 Applicability.

14.06.010 Purpose.

In order to implement the goals and policies of Phase I of the City of Lakewood Shoreline Master Program, and to allow for all reasonable and appropriate uses of the City of Lakewood's Shorelines without degradation of environmental quality, risk to health or safety, and to insure where development takes place, that it is done in a manner which will promote and enhance the best interest of the general public, this Title is designed to provide standards which will regulate and promote intensities and qualities of development consistent with the protection of the shoreline environment and its related resources and the policy of the Shoreline Management Act of 1971.

14.06.020 Title.

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

14.06.030 Scope.

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

14.06.040 Applicability.

The provisions of this Title shall apply to all shoreline and associated wetland areas covered by the Shoreline Management Act of 1971 as follows:

- A. All rivers and streams and their associated wetlands downstream from a point where the mean annual flow is twenty (20) cubic feet per second or greater.
- B. All lakes and their associated wetlands which are twenty (20) surface acres in size or larger.

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Chapter 14.10

DEFINITIONS

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- 14.10.020 Beach.
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- 14.10.410 One Hundred Year Flood.**
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- 14.10.630 Water Dependent Uses.**
- 14.10.640 Water Related Uses.**
- 14.10.650 Wetlands, Wetland Areas.**
- 14.10.660 Yarding.**

14.10.010 Accessory Building or Use.

A building, 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.

14.10.020 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.

14.10.030 Boathouse.

A covered or enclosed moorage space.

14.10.040 Breakwater.

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

14.10.050 Buffer Strip.

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

14.10.060 Bulkhead.

A retaining wall used to hold back earth and to provide a solid surface to resist wave action.

14.10.070 Bulkhead Line.

A line established by the Federal government that marks the outer permissible limit for fills.

14.10.80 Channelization.

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

14.10.090 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 size for regular subdivisions, as long as the density does not exceed prescribed standards.

14.10.100 Conditional Use.

A use permitted in one or more environments as defined by this Master Program but which use, because of characteristics peculiar to it, or because of its size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same environment, and to ensure that such use shall not be inimical to the public interest. .

14.10.110 Dedication.

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

14.10.120 Department.

The Washington State Department of Ecology.

14.10.130 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 the Shorelines Management Act at any state of water level.

14.10.140 Director.

The Director of the Department of Community Development for the City of Lakewood.

14.10.150 Dry Well.

A pit filled with coarse rock or lined with crushed rock or gravel for use as a storm or sanitary sewage disposal method

14.10.160 Dwelling Unit Density.

Refers to the allowable number of dwelling units per acre of land.

14.10.170 Floating Home

A nonvessel structure designed and operated substantially as a permanently based over-water residence. Floating homes lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

14.10.180 Flood Hazard Zone.

Area inundated by the 100-year flood.

14.10.190 Floodway.

Those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands 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.

14.10.200 Floodway Fringe.

The area outside the floodway but still in the flood hazard zone.

14.10.210 Groin.

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

14.10.220 Guidelines.

Those guidelines adopted pursuant to the Shorelines Management Act of 1971.

14.10.230 Hearings Board.

The shorelines hearings board established by the Shorelines Management Act of 1971.

14.10.240 Hearing Examiner.

The officer appointed by the City of Lakewood Council to review and approve or deny applications for Substantial Development, Shoreline Conditional Use, Shoreline Variance and Expansion of Shoreline Nonconforming Use Permits.

14.10.250 Houseboat.

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

14.10.260 Impervious Surface.

Those surfaces that do not allow the downward passage of water.

14.10.270 Interpretive Center.

A facility containing artifacts, history and information about a site in the immediate area

14.10.280 Jettie.

A structure generally built perpendicular to the shore at inlets in connection with navigation improvements to modify or control sand movement.

14.10.290 Landing.

A place at which logs are assembled for transportation in loads or rafts.

14.10.300 Launching Ramps.

Areas solely developed for boating ingress and egress.

14.10.310 Levee, Dike.

A broad embankment of earth built parallel with the river channel to contain overbank flow.

14.10.320 Linear Access.

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

14.10.330 Live-aboard Vessel

A vessel licensed and designed for use as a mobile structure with adequate self-propulsion and steering equipment to be operated as a vessel, but which is principally used as an over-water residence. Principal use as an over-water residence means essentially full-time occupancy within the City's jurisdiction for a total of more than sixty (60) days, whether or not consecutive, in any calendar year.

14.10.340 Master Program.

The comprehensive shoreline use plan for City of Lakewood, and the use regulations together with maps, diagrams, charts or other descriptive material and text.

14.10.360 Mining.

The removal of naturally occurring materials from the earth for economic uses.

14.10.370 Net Acre.

A parcel of land containing 30,000 square feet or as otherwise allowed by the City of Lakewood PDD ordinance.

14.10.380 Nonconforming Use.

A lawful use of land or structure in existence on the effective date of this Master Program or at the time of any amendments thereto which does not conform to the use regulations of the environment in which it is located.

14.10.390 Nonwater Related Uses.

Those uses which do not need a waterfront location to operate through easements or utility corridors for access to the water may be desired.

14.10.400 Off Premise Advertising Sign.

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is fixed.

14.10.410 One Hundred Year Flood.

A flood which has a magnitude that may be equaled or exceeded once every one hundred years on the average.

14.10.420 One Hundred Year Flood Plain.

Lowlands adjoining the channel of a streamway which would be covered by floodwaters of a flood having an average frequency of occurrence in the order of once in 100 years although the flood may occur in any year.

14.10.430 Ordinary High Water Mark.

On all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this Chapter or as it may naturally change thereafter. Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

14.10.440 Outfall.

The outlet or place of discharge of a sewer.

14.10.450 Permit.

A Substantial Development Permit issued in compliance with the Shoreline Management Act of 1971 and the Shorelines Master Program for City of Lakewood.

14.10.460 Person.

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

14.10.470 Point Access.

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

14.10.480 Privy.

An outhouse used as a toilet.

14.10.490 Public Access.

A trail, path, road, or launching ramp by which the general public can reach the public waters from a public road.

14.10.500 Riprap.

Broken stone placed on shoulders, slopes, or other such places to protect them from erosion.

14.10.510 Shorelands

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.

14.10.520 Shorelines.

All of the water areas of City of Lakewood, including reservoirs, and their associated wetlands, together with the land 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.

14.10.530 Shorelines of Statewide Significance.

Those shorelines described in RCW 90.58.030.

14.10.540 Signs.

A public display whose purpose it is to provide information, direction or advertising.

14.10.550 Sign, Informational.

A sign designed to guide or direct pedestrians or vehicles.

14.10.560 Sign, Warning.

A sign designed to warn pedestrians or vehicles of some imminent danger.

14.10.570 Slash.

The branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees which remain on the ground after logging.

14.10.580 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 river currents.

14.10.590 Stringer Bridge.

A bridge constructed of lengths of timber supporting a number of small traverse members.

14.10.600 Substantial Development.

Any development of which the total cost or fair market value (whichever is less) exceeds two thousand, five hundred dollars (\$2500), or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this Chapter:

- A. Normal maintenance or repair of existing structures or developments including damage by accident, fire or elements.
- B. Construction of the normal protective bulkhead common to single family residences.
- C. Emergency construction necessary to protect property from damage by the elements.
- D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; PROVIDED, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands 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 wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Chapter.

- G. Construction of a dock designed for pleasure craft only, for the noncommercial use of the owner of a single family residence, the cost of which does not exceed \$2,500.
- H. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.
- I. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
- J. Operation and maintenance of any system dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

14.10.610 Tidelands.

The zone between extreme low tide and extreme high tide.

14.10.620 Variance.

A modification of the specific standards of this program granted in accordance with the terms of this title and under the procedures outlined in the City Zoning Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and environment.

14.10.630 Water Dependent Uses.

All uses which cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation.

14.10.640 Water Related Uses.

Those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation in City of Lakewood cannot occur economically at this time, without a shoreline location.

14.10.650 Wetlands, Wetland Areas.

"Wetland" or "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands generally 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. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the City.

14.10.660 Yarding.

The operation of transporting timber from the cutting area to a yard or landing.

Chapter 14.14

INTRODUCTION TO ENVIRONMENTS

Section:

14.14.010 Environments.

14.14.010 Environments.

In order to more effectively plan and manage shoreline resources through the development of a Shoreline Master Program, a system of categorizing shoreline areas through a classification called "Environments" has been utilized. This system is being used as a mechanism for applying appropriate land and water use policies and regulations to distinctively different shoreline areas. The application of this system is not intended to be a substitute for but rather a supplement to local planning and land use regulations. These environments will guide the use of all city shoreline areas by planning for development and development patterns which enhance the desired character of the specific environment rather than overtly precluding the presence of certain uses in designated environments. The environment system will attempt to insure that different shoreline uses or types of development are designed and located so as to minimize conflicts between the proposed use and stated policies of the pertinent environment classification. It is a system that encourages uses which enhance the character of the environment and at the same time places reasonable standards and restrictions on developments which might disrupt the character of the environment.

The placement of an environment designation on a specific area or site was based on the existing development pattern, the biophysical limitations and capabilities of the shoreline area, and the goals and aspirations of the citizens.

The following pages include a detailed description of each environment. This includes the definition and purpose, general regulations and policies and preferred uses appropriate for each environment.

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Chapter 14.18

THE URBAN ENVIRONMENT

Sections:

14.18.010 Definition and Purpose.

14.18.020 General Regulations and Policies.

14.18.010 Definition and Purpose.

The Urban Environment is an area of high intensity land use including residential, commercial and industrial development. It is an environment designation that is particularly suitable for those areas which are presently subjected to intensive use pressure as well as those areas planned to accommodate urban expansion. The objective of assigning an area to an Urban Environment is to ensure optimum utilization of shorelines occurring within areas which are either presently urbanized or projected to be urbanized. This should be done by identifying areas physically suited to intensive use providing for intensive public use and by managing development so that it enhances and maintains the shorelines for a variety of urban uses.

14.18.020 General Regulations and Policies.

The following general regulations and policies should apply to all shoreline areas classified as belonging in an Urban Environment:

- A. Shorelines planned for future urban expansion should present few biophysical limitations for urban activities.
- B. Because shorelines suitable for urban uses are a limited resource, emphasis should be given to development within already developed areas.
- C. Priority should be given to urban developments for public visual and physical access to water in the urban environment.
- D. Planning for the acquisition of urban land for permanent public access to the water in the urban environment should be encouraged.
- E. To enhance waterfront and ensure maximum public use, commercial facilities should be designed to permit pedestrian waterfront activities. When practical, access points should be linked to non-motorized transportation routes.
- F. Designation for future urban expansion should include provisions for maintaining those features unique to urban shoreline areas.

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Chapter 14.22

THE CONSERVANCY ENVIRONMENT

Sections:

14.22.010 Definition and Purpose.

14.22.020 General Regulations and Policies.

14.22.030 Preferred Uses.

14.22.010 Definition and Purpose.

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

14.22.020 General Regulations and Policies.

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

- A. Areas should maintain their existing character.
- B. Developments which do not consume the natural physical resource base should be encouraged.
- C. Substantial and non-substantial developments which do not lead to significant alterations of the existing natural character of an area should be encouraged.

14.22.030 Preferred Uses.

- A. Outdoor recreation activities.

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Chapter 14.26

THE NATURAL ENVIRONMENT

Sections:

14.26.010 Definition and Purpose.

14.26.020 General Regulations and Policies.

14.26.030 Natural Resource Systems to be Considered.

14.26.010 Definition and Purpose.

The Natural Environment classification is intended to preserve those dynamic natural systems in a manner relatively free of human influence and to discourage or prohibit those activities which might alter the natural characteristics which make these shoreline areas unique and valuable. The designation of an area as a Natural Environment should be based on one or more of the following criteria:

- A. There should be present some unique natural or cultural feature considered valuable in its natural or original condition.
- B. The natural shoreline is relatively intolerant of intensive human use.
- C. The shoreline is valuable as a historical, cultural, scientific or educational site by virtue of its natural unaltered original condition.
- D. The site is unaltered and graphically depicts prevailing local physical systems such as feeder cliffs and spits.
- E. The shoreline area, which by virtue of strongly expressed local and/or statewide need, should be preserved in its original condition.

14.26.020 General Regulations and Policies.

The following general regulations and policies should apply to all shoreline areas classified as Natural Environments:

- A. All developments which would potentially degrade or significantly alter the natural character should be regulated.
- B. The main emphasis of regulation in these areas should be on the preservation of natural systems and resources which will not allow man to consider any type of development which will effect the natural condition of the area.
- C. Physical alterations should only be considered when they serve to protect a significant, unique or highly valued feature which might otherwise be destroyed.

14.26.030 Natural Resource Systems to be Considered.

The following is a partial list of natural or cultural features which might be preserved through inclusion in a Natural Environment:

- A. Typical river segments.
- B. High bank shorelines.
- C. Low bank shorelines.
- D. Sandy beaches.
- E. Wildlife habitats.
- F. Coves.

- G. Lakes.
- H. Marshlands.
- I. Swamps.
- J. Educational features.
- K. Scientific features.
- L. Historical features

Introduction to Chapter 14.30

SHORELINE ENVIRONMENTS FOR CITY OF LAKEWOOD

ENVIRONMENT WRITTEN DESCRIPTIONS

SHORELINE BOUNDARY SYSTEM - EXPLANATION.

The following list of boundary lines have been used when appropriate to determine the written description for the shoreline environments in City of Lakewood.

- A) Confluence at two Creeks
- B) City Boundaries
- C) Military Boundaries
- D) Boundaries between the middle of Rivers and Creeks
- E) Quarter Section - Section - Township - Range Boundaries

NOTE: In the event any question arises as to where the Shoreline Management environment designation begins and/or ends, the legal description as graphically described on the U.S.G.A. quadrangle maps held in the custody of the City of Lakewood Community Development Department shall control.

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Chapter 14.34

ENVIRONMENT WRITTEN DESCRIPTIONS

Sections:

- 14.34.010 Chambers Creek**
14.34.020 Clover Creek
14.34.030 Lakes

14.34.010 Chambers Creek.

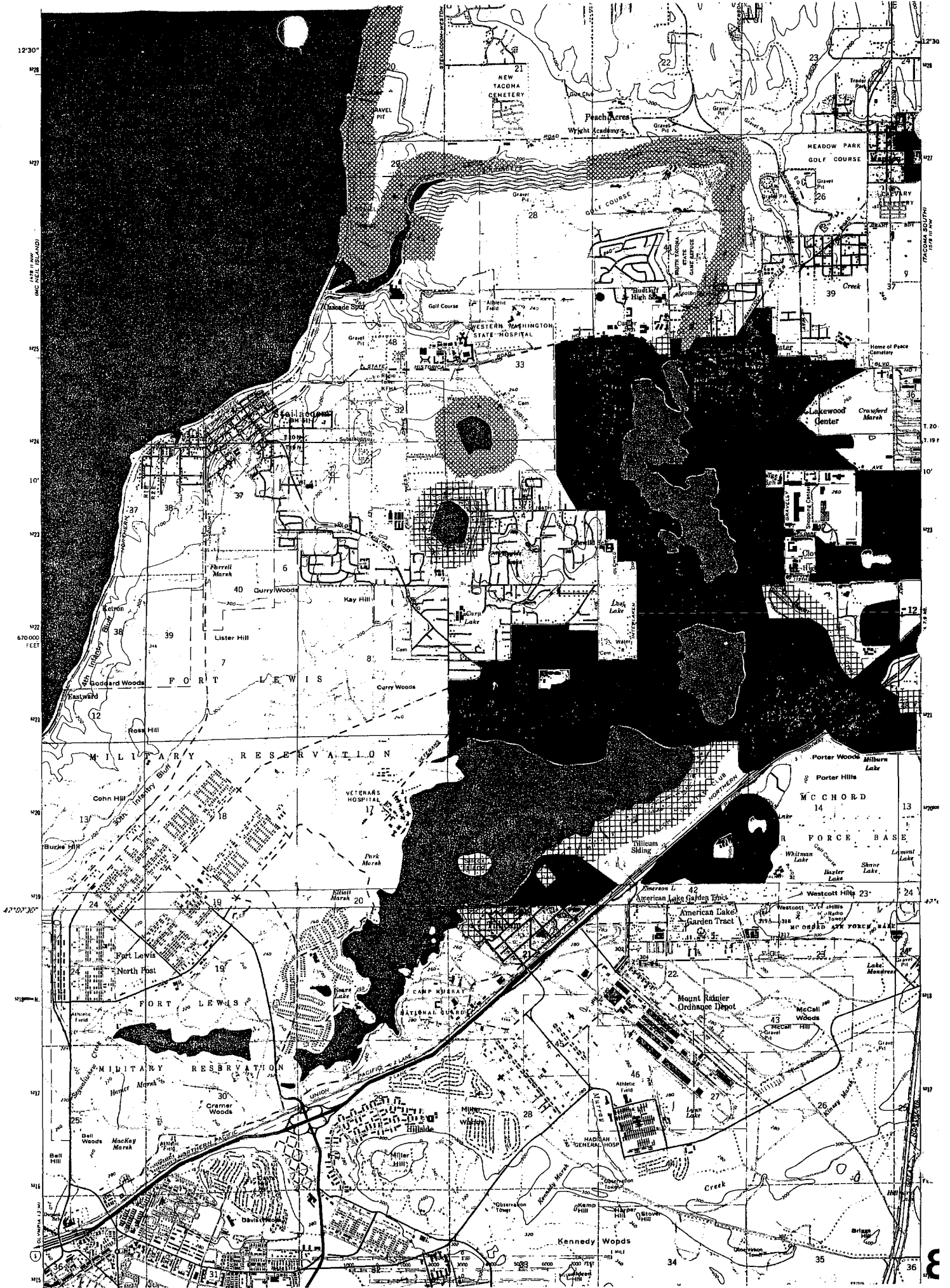
- A. Beginning at the outlet of Chambers Creek on the north shoreline of Steilacoom Lake in the northeast quarter of Sec. 34 T20 R2E, thence downstream along said Chambers Creek to its point of intersection with the east line of the northeast quarter of Sec. 28 T20 R2E. CONSERVANCY.
- B. North Bank: Beginning at a point where Chambers Creek intersects the east line of the northeast quarter of Sec. 28 T20 R2E, thence downstream along said Chambers Creek to a point where the 200 ft. wetland designation intersects the right-of-way of Chambers Creek Road in the northwest quarter of Sec. 28 T20 R2E. NATURAL.
- C. South Bank: Beginning at a point where Chambers Creek intersects the east line of the northeast quarter of Sec. 28 T20 R2E, thence downstream along said Chambers Creek to a point where said Chambers Creek intersects the Chambers Creek Road Bridge in the northeast quarter of Sec. 29 T20 R2E. NATURAL.
- D. North Bank: Beginning at a point where the 200 ft. wetland designation intersects Chambers Creek Road in the northwest quarter of Sec. 28 T20 R2E, thence downstream along said Chambers Creek to a point where it intersects the Chambers Creek Road Bridge in the northeast quarter of Sec. 29 T20 R2E. CONSERVANCY.
- E. Beginning at a point where Chambers Creek intersects the Chambers Creek Road Bridge in the northeast quarter of Sec. 29 T20 R2E, thence downstream along said Chambers Creek to the mouth of Chambers Bay in Sec. 29 T20 R2E. CONSERVANCY

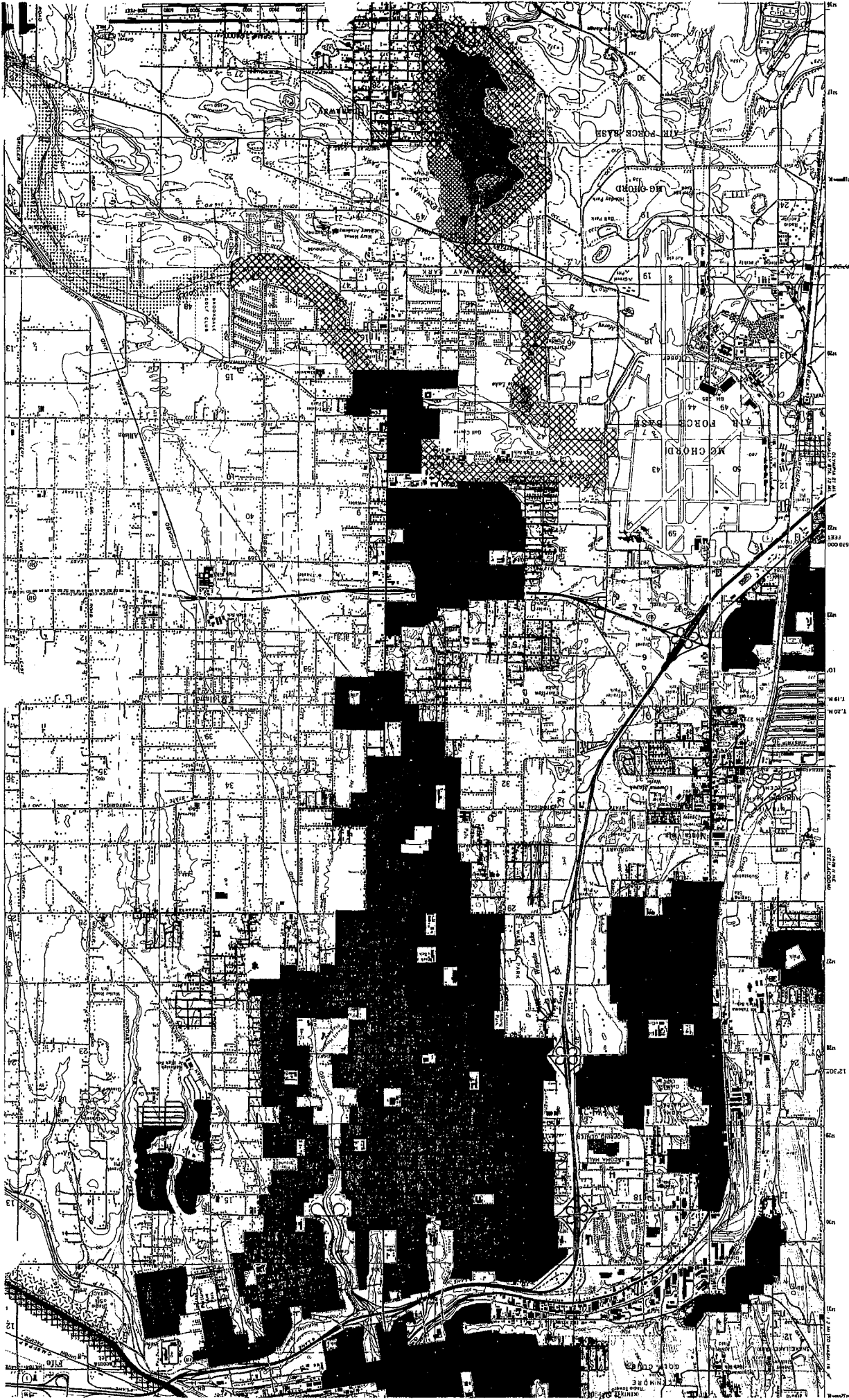
14.34.020 Clover Creek

Beginning at a point on the McChord Air Force Base boundary in the southwest quarter of Sec. 12 T19 R2E, thence downstream to the mouth of Clover Creek in Steilacoom Lake in the southeast quarter of Sec. 3 T19 R3E.

14.34.030 Lakes

All of the shorelines of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, and Waughop Lake





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Chapter 14.38

INTRODUCTION TO USE ACTIVITY REGULATIONS

Section:

14.38.010 Use Activity Regulations.

14.38.010 Use Activity Regulations.

Shoreline use activities are classifications of the various types of developments or activities which can be anticipated to be carried out on or occupy shoreline locations.

The Department of Ecology final guidelines for Master Program development established twenty-one (21) use activities and set minimum guidelines for managing each activity.

The use activity regulations are a means of implementing the more general policies of Phase I of the Master Program and the Shoreline Management Act.

The regulations of each use activity have been developed on the premise that all appropriate shoreline uses require some degree of control in order to minimize adverse affects to the shoreline environment and adjoining properties.

Each project which falls within the jurisdiction of the Act will be evaluated to determine its conformance with the use activity regulations as well as the goals and policies of Phase I of the Master Program.

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Chapter 14.42

AQUACULTURAL PRACTICES

Sections:

14.42.010 Definitions

14.42.020 Guidelines for Reviewing Substantial Development Permits

14.42.030 Environment Regulations - Uses Permitted

14.42.010 Definitions.

- A. Aquaculture. The commercial culture and farming of food fish, shellfish, and other aquatic plants and animals in lakes, streams, inlets, estuaries, and other natural or artificial water bodies.
- B. Aquacultural Practices. 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 pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters in tidal and other shoreline areas.
- C. Water Dependent Aquacultural Uses. All uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Examples of water dependent uses include but are not limited to the following:
 - 1) Boat launch facilities.
 - 2) Fish pens.
 - 3) Shellfish and seaweed rafts and floats.
 - 4) Racks and longlines.
- D. Water Related Aquaculture Uses. Those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation in Pierce County cannot occur economically at this time without a shoreline location. Examples of water related uses include but are not limited to the following:
 - 1) Aquaculture commodities processing plants.
 - 2) Culturing facilities
 - 3) Boat storage facilities.
- E. Non-water Related Aquaculture Uses. Those uses which do not need a waterfront location to operate though easements or utility corridors for access to the water may be desired. Examples of non-water related uses include but are not limited to the following:
 - 1) Warehouses and storage areas
 - 2) Office buildings
 - 3) Parking lots

14.42.020 Guidelines for Reviewing Substantial Development Permits

The following regulations apply to aquaculture and aquaculture practices in all shoreline environments:

- A. Development Guidelines. In lieu of specific standards relating to design, bulk, and use, the following guidelines shall be applied to the City's reviewing authority to site specific project application for a substantial development permit in arriving at a satisfactory degree of

consistency with the policies and criteria set forth in this Chapter. To this end, the City may extend, restrict, or deny an application to achieve said purpose.

- 1) The use of shoreline areas for aquaculture shall be encouraged for the production of commodities for human consumption and utilization.
- 2) Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelands.
- 3) Aquaculture operations shall be conducted in a manner which precludes damage to specific fragile areas and existing aquatic resources. These operations shall maintain the highest possible levels of environmental quality and compatibility with native flora and fauna.
- 4) Aquaculture operations shall be in conformance with the most current applicable local, state and federal regulations for water quality, noise, and odor and waste management. Where water withdrawal is required, a water registration permit must be obtained.
- 5) Conflicts between the aquaculture use and the navigational access of current upland residents, and intense recreational boating, commercial fishing, and other commercial traffic can be minimized.
- 6) Conflicts between the aquaculture use and the visual access of current upland residents or the general aesthetic quality of the shoreline can be minimized.
- 7) As technology expands with increasing knowledge and experience, preference shall be placed on feasible structures which minimize interference with navigation or the impairment of the aesthetic quality of the shoreline.
- 8) A baseline study at or near the proposed aquaculture site may be required only when the permit reviewing authority deems necessary.
- 10) Shoreline areas having the prerequisite qualities for aquacultural uses shall have priority in order to protect Pierce County's aquacultural potential.
- 11) Prior to beginning aquaculture operations, aquaculture permits must be obtained from the State Department of Fisheries.
- 12) The scale of aquaculture operations shall be in proportion with the surface area and configuration of the affected water body.
- 13) All water related and non-water related aquaculture structures may be required to be landscaped to screen them from adjacent uses to the shoreline.
- 14) Joint use of facilities such as boat launches and storage buildings is encouraged.
- 15) Aquaculture developments are to be maintained in a safe and sound condition.

14.42.030 Environment Regulations - Uses Permitted.

A. Subject to the Guidelines for Reviewing Substantial Development Permits, geoduck harvesting is permitted outright in all shoreline environments.

1. Geoduck harvesting is to be conducted in a manner consistent with RCW 75.24.100 as now or hereafter amended.
2. Information concerning these requirements can be obtained from:

Department of Natural Resources
Marine Land Division QW-21
Olympia, WA 98504
(206) 754-1473

or

Department of Fisheries
Shellfish Program AX-111
Olympia, WA 98504
(206) 753-6772

B. Urban.

Aquaculture operations are permitted subject to the Guidelines for Reviewing Substantial Development Permits.

C. Conservancy Environment.

Aquaculture operations which do not involve the placement of land based structures are permitted subject to the Guidelines for Reviewing Substantial Development Permits.

Aquaculture operations which involve the development of land based structures are allowed as Conditional Uses and subject to the Guidelines for Reviewing Substantial Development Permits.

D. Natural Environment.

Aquaculture operations are limited to fishing and the harvesting of wild and planted stocks for recreation and commercial purposes. Operations which do not involve the placement of structures or fill in the aquatic or terrestrial environment will be allowed as a Conditional Use, upon showing the activity will not substantially change the character of the site or adversely affect natural populations and shall be subject to the Guidelines for Reviewing Substantial Development Permits. Operations involving structural developments are prohibited.

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Chapter 14.46

BREAKWATERS

Sections:

14.46.010 Definition.

14.46.020 General Regulations.

14.46.030 Environmental Regulations - Uses Permitted.

14.46.010 Definition.

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

14.46.020 General Regulations.

The following regulations apply to breakwaters in all shoreline environments:

- A. The construction of breakwaters shall be permitted only in special cases where social and technical consideration demonstrate overall public benefit.
- B. Floating breakwaters shall be used in place of solid landfill types where they can withstand extensive wave action in order to maintain sand movement and fish habitat.
- C. Breakwaters shall be designed and constructed to ensure against adverse changes in sand movement and water circulation.
- D. Breakwaters shall only be permitted for navigational purposes, for industrial activities and marinas.
- E. The construction of breakwaters shall not create significant undesirable interference with the public use of the water surface.
- F. Where feasible, access for sightseeing and public fishing shall be incorporated into breakwater design.
- G. Designs for new breakwaters shall incorporate provisions for public access if the appropriate authority determines such access to be feasible and desirable.

14.46.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Breakwaters are permitted subject to the general regulatory standards.
- B. Conservancy Environment.
Breakwaters are permitted subject to the general regulatory standards and upon obtaining a Conditional Use Permit.
- C. Natural Environment.
Breakwaters are prohibited.

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Chapter 14.50

BULKHEADS

Sections:

14.50.010 Definition.

14.50.020 Permit Exemptions.

14.50.030 General Regulations.

14.50.040 Environment Regulations - Uses Permitted.

14.50.010 Definition.

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

14.50.020 Permit Exemptions.

The Shoreline Management Act exempts from the Substantial Development Permit requirement the construction of a normal protective bulkhead common to single family residences. Although these structures are exempt from obtaining a Substantial Development Permit, compliance with the prohibitions, regulations, and development standards of this Chapter is required.

14.50.030 General Regulations.

The following regulations apply to bulkheads in all shoreline environments:

A. General.

1. Beach materials shall not be used for fill behind bulkheads except clean dredge spoils from a permitted dredge and fill operation and materials excavated during construction of the bulkhead.
2. Bulkheads shall be constructed in such a way as to minimize damage to fish and shell fish habitats.
3. The builder of any bulkhead shall be responsible for determining in advance the nature and the extent of any possible adverse effects on fish and wildlife or on the property of others caused by his construction and shall propose and take all necessary actions to minimize such effects.
4. A person who has received approval in keeping with these regulations to construct a bulkhead, shall grant adjacent property owners the privilege to tie in and meet with a bulkhead when they have an approved permit.
5. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated in the design whenever possible.

B. Design Criteria.

1. Bulkhead design shall not exceed Department of Fisheries design criteria for bulkheads.
2. The construction of a bulkhead on shorelines where no bulkheads are adjacent shall be within five feet from the foot of the natural bank or

- landfill permitted pursuant to Chapter 14.78. If no distinct bank exists, construction shall be landward of the mean higher high water mark.
3. The replacement of bulkheads may be located immediately in front of an existing bulkhead except where such existing bulkhead has not been backfilled and is seaward of the mean higher high water mark in which case the location criteria in Subsection B.2 applies.
 4. Bulkheads may tie in flush with existing bulkheads on adjoining properties, except where said adjoining bulkheads extend more than 20 feet beyond the foot of the natural bank or landfill permitted pursuant to Chapter 14.78; in which case the location requirements of Subsection B.2 above apply. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with said adjacent bulkhead but, to the extent feasible, should be contoured to within five feet of the foot of the natural bank or permitted landfill.
 5. Multiple bulkheads proposed by two or more adjoining property owners to tie in together may tie in flush with existing bulkheads on the properties adjoining said proposed multiple bulkheads on one or both ends, except, where said adjoining bulkhead/bulkheads extend more than 20 feet beyond the foot of the natural bank or permitted landfill, in which case the location requirements of Subsection B.2 apply.
When tying in flush with adjoining bulkheads on one or both ends, said multiple bulkheads should, to the extent feasible, be contoured to within five feet of the foot of the natural bank or permitted landfill.
 6. Bulkheads shall be constructed of concrete, wood, rock riprap or other suitable materials which will serve to accomplish the desired end with maximum preservation of natural characteristics. Design and construction methods shall consider aesthetics and habitat protection.

14.50.040 Environment Regulations - Uses Permitted.

A. Urban Environment.

Bulkheads shall be permitted subject to the general regulatory standards.

B. Conservancy Environment.

1. Uses permitted outright:

a. Bulkheads accessory to single-family residences.

2. Uses permitted subject to approval of a Conditional Use Permit:

a. All bulkheads other than those accessory to single family residences.

C. Natural Environment.

1. Uses permitted subject to approval of a Conditional Use Permit:

a. All bulkheads.

Chapter 14.54

COMMERCIAL DEVELOPMENT

Sections:

14.54.010 Definitions.

14.54.020 General Regulations.

14.54.030 Environment Regulations.

14.54.010 Definitions.

- A. Commercial Development. For the purpose of this Section, Commercial Developments are those uses which are involved in wholesale and retail trade or business activities.

- B. Water Dependent Uses. All uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of the operation. Examples of water dependent uses include but are not limited to the following:
 - 1. Boat launch facilities.
 - 2. Ferry and passenger terminals.
 - 3. Wet moorage.
 - 4. Aquacultural practices.
 - 5. Shoreline recreation including resort beaches, boating facilities, parks and trails that provide access to and along the shoreline.

- C. Water Related Uses. Those uses which are not intrinsically dependent on a waterfront location to continue their operation, but whose operation in City of Lakewood cannot occur economically at this time, without a shoreline location. Examples of water related uses include but are not limited to the following:
 - 1. Dry dock storage.
 - 2. Resorts.

- D. Non-water Related Uses. Those uses which do not need a waterfront location to operate though easements or utility corridors for access to the water may be desired. Examples of nonwater related uses include but are not limited to the following:
 - 1. Motels.
 - 2. Office buildings.
 - 3. Restaurants.

- E. Prohibited Uses. Those uses whose operations are intrinsically harmful to the shoreline. Examples of prohibited uses include but are not limited to the following:
 - 1. Principal use commercial parking areas.
 - 2. Junk yards.

14.54.020 General Regulations.

The following regulations apply to commercial in all shoreline environments:

- A. Developers of commercial activities must be able to demonstrate the following to the satisfaction of the appropriate reviewing authority:
 - 1. Methods of erosion control to be utilized during and after project construction.
 - 2. Solutions to the problems of contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff where such runoff results in adverse downstream effects.
 - 3. That the proposed development site is suited for commercial or light industrial development and will not cause severe negative impacts on the environment if the project is completed. Appropriate technical data including SCS Soils maps and interpretations should be used for this purpose.

- B. Any proposed use determined by the appropriate City reviewing authority to be nonwater related shall be allowed only in those environments where not prohibited and upon determination that:
 - 1. A water dependent or water related use is not reasonably expected to locate on the proposed site, due to topography, surrounding land uses, physical features, or due to the site's separation from the water; and/or
 - 2. The proposed use will be of appreciable public benefit by increasing public use, enjoyment, or access to the shoreline.

- C. Applications for Substantial Development Permits for Commercial Developments will be approved only upon a determination that:
 - 1. The proposal is also consistent with the area's zoning designation, or in the case of the Gig Harbor Peninsula, the area's environment designation; and
 - 2. The proposed intensity of use is compatible with the surrounding area and the intent of the environment as stated in the Master Program. To this end, the appropriate reviewing authority may adjust and/or prescribe project dimensions, intensity of use, screening and setbacks as deemed appropriate.

- D. Applications for Substantial Development Permits for Commercial and Light Industrial Uses must include plans for associated parking areas. Such plans shall be reviewed by the appropriate reviewing authority who shall attach conditions as necessary to assure that:
 - 1. All proposed parking is appropriate and necessary for the proposed use.

2. All parking area is located upland of the use and buffered as necessary by landscaping or other means so as to be screened from view from the adjacent water body. Parking lot location and the height, width, and type of any screening shall be approved by the appropriate reviewing authority commensurate with local conditions. The location of a parking area other than upland of the use is subject to a Conditional Use Permit.
- E. Any building over thirty-five (35) feet in height above average grade occupied by the buildings shall be considered a conditional use and shall be subject to the Conditional Use Criteria in Chapter 14.70, High Rise Structures.
- F. At other than marina locations, fuel storage tanks and pumps shall be located such that any leakage or spillage will not enter adjoining water bodies.
- G. All loading and service areas which are not water dependent associated with commercial and light industrial developments shall be located on the upland side of the commercial activity or provisions must be made to screen the loading and service area.
- H. The City may require provision for public access in commercial developments when the appropriate reviewing authority determines that such multiple use is in the public interest and unless the applicant can show that reasonable safety precautions preclude such access.
- I. The required setback for all buildings and structures from any lot line or lines abutting the ordinary high water line or lawfully constructed bulkhead shall be as required by the appropriate reviewing authority, but in no case should the setback be less than thirty (30) feet unless a Variance is granted (does not apply to structures which require or are dependent on direct contiguous access to the water).

14.54.030 Environmental Regulations - Uses Permitted.

A.

	Urban	Conserv.	Natural
Water Depend	Permitted SET <u>50</u>	Commer. Only * Cond. Only	X
Water Related	Permitted SET <u>50</u>	Commer. Only *Cond. Use SET <u>50</u>	X
NonWater Related	Cond. Use Cond. Use	**Neighborhood SET <u>50</u>	X

Legend:

- Permitted = Permitted subject to General Regulations
- Cond. Use = Conditional use subject to General Regulations
- x = Prohibited
- * = Commercial only
- ** = Neighborhood Commercial only
(Retail establishments scaled from 8,000 to 15,000 square feet servicing a localized population)
- SET 50 = Indicates the minimum distance any commercial or light industrial structure must be set back from the ordinary high water mark. (Does not include structures which require or are dependent on direct contiguous access to water)

Chapter 14.58

DREDGING

Sections:

14.58.010 Definition.

14.58.020 General Regulations.

14.58.030 Environment Regulations - Uses Permitted.

14.58.010 Definition.

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

14.58.020 General Regulations.

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

- A. Material dredged in conformance with State and Federal Water Quality Standards may be used in permitted landfill projects.
- B. Where regular navigation maintenance dredging is required, a long-range plan for disposal sites shall be filed with the Community Development Department.
- C. Deep-water soil disposal shall be done only at approved disposal sites and only when material meets EPA criteria for deposit in open waters.
- D. When upland disposal and storage sites are selected, consideration shall be given to the effect on wildlife habitat, such site may be approved after consultation with the appropriate state agency/agencies.
- E. Disposal sites shall be protected as necessary by berms and outlets to remove suspended solids and insure that the quality of return water meets State Department of Ecology Standards.
- F. Disposal of dredged material on marshes, swamps or bogs is prohibited except in committed industrial areas having an adopted comprehensive plan.
- G. Gravel removal within the high water flow channel bed on rivers and streams shall be permitted for habitat improvement as requested by the Departments of Fisheries and Game, and for permitted structural installations.
- H. Removal of gravel from the high water flow channel bed for flood prevention purposes shall be permitted. Sand and gravel shall not be removed for the sole purpose of obtaining the materials.

14.58.030 Environmental Regulations - Uses Permitted.

- A. Urban.
 - 1. Uses permitted subject to the general regulations:
 - a. Dredging and disposal of dredged material.
 - 2. Uses permitted upon approval of a Conditional Use Permit:
 - a. Dredging for the primary purpose of obtaining fill or construction material.

When deemed necessary, the City may impose such conditions as may be necessary to assure compliance with the purpose of this Chapter.

- B. Conservancy Environment.

Dredging shall be permitted subject to general regulatory standards. Disposal of dredged material at other than the approved deep-water site for permitted structural installations and flood control shall be subject to Conditional Use requirements.

- C. Natural Environment.

Dredging and material disposal are permitted only for habitat maintenance and improvement in consultation with the State Departments of Fisheries and Game and shall be subject to Conditional Use requirements.

Chapter 14.62

EDUCATIONAL AND ARCHEOLOGICAL AREAS AND HISTORIC SITES

Sections:

14.62.010 Definition.

14.62.020 General Regulations.

14.62.030 Environment Regulations - Uses Permitted.

14.62.010 Definition.

This use activity category includes significant archeological sites or excavations, ghost towns, military forts, old settlers homes, historic trails, kitchen middens, interpretive centers, or any other site, facility, or structure which is educationally significant.

14.62.020 General Regulations.

The following regulations apply to Educational and Archeological sites and Historical areas in all Shoreline environments:

- A. City of Lakewood shall maintain an inventory of all known or discovered archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and historical trails. The City of Lakewood Planning and Building Departments and the County Assessor-Treasurer's Office shall maintain an up-to-date file on the above mentioned sites. When preservation of such areas is recommended by consultants such preservation shall be a priority consideration in evaluating Substantial Development permit applications.
- B. All shoreline permits shall contain provisions which require developers to notify local governments if any archeological artifacts or data are uncovered during excavations. Permits issued in areas known to contain archeological artifacts and data shall have provisions providing for a site inspection and evaluation by an archeologist. Cost for inspection and evaluation of the site will be the responsibility of the developer. This condition shall require the approval by the local government before work can begin or resume on a project. Significant archeological data or artifacts shall be recovered before work resumes or begins on a project.
- C. Where possible, sites shall be permanently preserved for scientific study, education, and public observation.
- D. Consideration shall be given to the National Historic Preservation Act of 1966 and Chapter 43.51 RCW to provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archeology or culture.

- E. Access trails to shorelines shall pass protected, educational, historical, and archeological sites and areas.
- F. Attempts shall be made in the restoration of sites, to point out the significance of the site and its location in relation to the flora and fauna.

14.62.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
 - 1. Educational and archeological areas and historical sites shall be permitted subject to the general regulatory standards.
 - 2. Interpretive centers are allowed subject to the general regulatory standards and upon obtaining a Conditional Use permit.
- B. Conservancy Environment.
Same as Urban.
- C. Natural Environment.
Same as Urban.

Chapter 14.66

EFFLUENT DISPOSAL

Sections:

14.66.010 Definition.

14.66.020 General Regulations.

14.66.030 Environment Regulations - Uses Permitted.

14.66.010 Definition.

The liquid discharge of waste water, i.e., water used in an industrial process or sewage.

14.66.020 General Regulations.

The following regulations apply to sewage disposal facilities in all shoreline environments:

- A. Sewage disposal facilities for any proposed use shall meet all applicable State and local standards and regulations, including those of the Department of Ecology, Department of Social and Health Services, Tacoma-Pierce County Health Department and City of Lakewood Public Works Department and those found in zoning and subdivision ordinances. These regulations shall be strictly enforced in shoreline areas.
- B. Any use for which a sewage disposal facility using a drainfield is proposed along the shoreline shall be on a lot which at a minimum shall meet applicable State and City regulations.
- C. Outfalls which may result in decertification of shellfish production areas are prohibited.
- D. A Substantial Development permit for an effluent outfall shall not be issued if the State Department of Fisheries determines that it will interfere with the potential of the area involved for commercial aquaculture.
- E. No untreated effluent from an existing use or a proposed use shall be allowed to enter the waters of City of Lakewood. All regulatory standards shall be met by all City and State agencies listed in A.
- F. Septic tank effluent shall not be directed into storm sewers.

14.66.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Sewage collection and treatment facilities shall be permitted subject to the general regulatory standards.

- B. Conservancy Environment.
 - 1. Sewage treatment for individual single family residences are permitted subject to the general regulatory standards.
 - 2. Community collection and treatment facilities shall be permitted subject to the general regulatory standards and obtaining a Conditional Use permit.

- C. Natural Environment. No sewage treatment facilities shall be permitted except treatment facilities used for individual single family residences. These facilities will be subject to the general regulatory standards where applicable.

Chapter 14.70

HIGH RISE STRUCTURES

Sections:

14.70.010 Definitions.

14.70.020 Environment Regulations - Uses Permitted.

14.70.030 Conditional Use Criteria.

14.70.010 Definitions.

- A. High Rise Structures shall mean any building or structure of more than 35 feet in height above average grade level.
- B. Average Grade Level shall mean the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site, PROVIDED that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.
- C. Height shall be measured from average grade level to the highest point of the structure, PROVIDED, that appurtenances such as television antennae and chimneys shall not be used in calculating the height.

14.70.020 Environment Regulations - Uses Permitted.

- A. Urban, Conservancy, and Natural Environments:
 - 1. Uses permitted upon obtaining a Conditional Use Permit:
All other high rise structures comprising a principal or accessory use of a lot, tract or parcel of land.

14.70.030 Conditional Use Criteria.

The uses listed above as conditional uses will be allowed only after the appropriate City reviewing authority determines that the proposed structure is consistent with the following applicable conditional use criteria and will cause no unreasonable adverse effects on the environment and other uses:

- A. Views from adjacent residential properties will not be unduly impaired.
- B. Adequate separation will be maintained between the high rise structures and adjacent properties.
- C. High rise structures will not interfere with the public use of public shorelines.

- D. The uses and enjoyment of adjacent properties will not be unduly diminished due to the height of the high rise structure or to the size of the lot upon which it is located, or the location of the structure on the site. When deemed necessary, the City may impose such conditions as may be necessary to assure compliance with the purpose of this Chapter.

Chapter 14.74

JETTIES AND GROINS

Sections:

14.74.010 Definition.

14.74.020 General Regulations.

14.74.030 Environment Regulations - Uses Permitted.

14.74.010 Definition.

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

14.74.020 General Regulations.

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

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

14.74.030 Environment Regulations - Uses Permitted.

A. Urban Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

Uses permitted outright:

Jetties and Groins

B. Conservancy Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

Uses permitted upon approval of a Conditional Use Permit:

Jetties and Groins

C. Natural Environment.

Jetties and Groins are prohibited.

Chapter 14.78

LANDFILLS

Sections:

14.78.010 Definition.

14.78.020 General Regulations.

14.78.030 Environment Regulations - Uses Permitted.

14.78.010 Definition.

Landfill is the creation of dry upland area by filling or depositing of sand, soil or gravel into a wetland area.

14.78.020 General Regulations.

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

- A. Fills which do not extend waterward more than five feet on a horizontal plane from ordinary high water may be permitted upon determination by the City that no environmental harm will result; however, fills located landward of the ordinary high water are preferred.
- B. Landfills extending waterward more than five feet on a horizontal plane from ordinary high water will be allowed as a conditional use, when it can be clearly shown that all the general regulations herein and the Shoreline Management Act are satisfied.
- C. Filling for the purpose of creating new land shall be permitted only for ports and water dependent public and private uses.
- D. Landfills are prohibited in marshes, bogs and swamps except in committed industrial areas, having an adopted comprehensive plan and when there is a demonstrated public benefit as determined by the City and when no significant loss of habitat will result. In other water retention or groundwater recharge areas, the need for fill in such a site must be demonstrated by the applicant.
- E. All perimeters of cuts and fills shall be provided with vegetation, riprap, retaining walls, or other approved means for erosion prevention.
- F. Fill materials shall not cause violation of water quality standards or otherwise be toxic to humans or to fish and wildlife.

14.78.030 Environment Regulations - Uses Permitted.

A. Urban and Conservancy Environments.

Subject to the general regulatory standards of this Chapter, the following uses are permitted:

1. Uses permitted subject to the general regulations:
 - a. Landfills extending waterward less than five feet on a horizontal plane from ordinary high water.
 - b. Landfills extending waterward more than five feet from ordinary high water only when said landfill constitutes backfill for a bulkhead which ties into an existing adjacent bulkhead as permitted in Chapter 14.50.
2. Uses permitted upon approval of a Conditional Use Permit:
 - a. Landfills for water dependent or water related uses only, extending waterward more than five feet on a horizontal plane from ordinary high water.

B. Natural Environment.

Landfill is prohibited in the Natural Environment.

Chapter 14.82

LAUNCHING RAMPS

Sections:

14.82.010 Definitions.

14.82.020 General Regulations.

14.82.030 Environment Regulations - Uses Permitted.

14.82.010 Definitions.

- A. Launching Ramps are areas developed for boating ingress and egress.
- B. Public Launching Ramps are launching ramps that are used by the public. Ownership of the facilities can be either private or public.
- C. Private Launching Ramps are launching ramps that are not open to use by the public.

14.82.020 General Regulations.

The following regulations apply to launching ramps in all shoreline environments:

- A. Private boat launching ramps, associated with single family residences, where appropriate, may be permitted.
- B. Before granting approval of a permit to allow any launching ramp, the appropriate reviewing authority shall be satisfied that:
 - 1. There is a demonstrated need for the facility in the subject location and that physical conditions such as natural flushing are capable of handling the proposed intensity of use.
 - 2. Adequate facilities for the efficient handling of sewage and litter will be provided.
 - 3. The ramp will be designed not to obstruct the littoral drift.
 - 4. Important navigation routes or recreation areas will not be obstructed.
 - 5. Adequate separation will be maintained between the structure and adjacent properties and structures.
 - 6. There will be no interference with public use of public shorelines.
 - 7. Parking, if required, is provided at a level which is consistent with the desired intensity of use of the facility.
 - 8. Adequate separation and buffers can be maintained between the facility's associated parking area and adjacent properties.
 - 9. Adequate separation will be maintained between associated swimming beaches.

14.82.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Launching ramps are permitted subject to the general regulatory standards of this Chapter.
- B. Conservancy Environment.
Same as Urban.
- C. Natural Environment.
Launching ramps are prohibited.

Chapter 14.86

MARINAS

Sections:

14.86.010 Definition.

14.86.020 Intent.

14.86.030 Environment Regulations - Uses Permitted.

14.86.040 Guidelines for Reviewing Substantial Development Permits.

14.86.010 Definition.

A marina is a commercial facility which provides moorage-related sales and maintenance services to pleasure and/or commercial vessels and to houseboats. A commercial moorage is a facility which provides essentially only moorage to pleasure or commercial vessels and to houseboats.

14.86.020 Intent.

It is the intent of City of Lakewood to encourage the consolidation of marinas so as to minimize the number of shoreline areas which must be commercialized. Because good marina design involves many variables, construction shall require a Substantial Development Permit granted upon a finding by the appropriate City reviewing authority of consistency with the guidelines of Section 14.86.040. Building Permits are also required.

14.86.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Marinas are allowed subject to the general regulatory standards and obtaining a Substantial Development Permit.
- B. Conservancy Environment.
Marinas are prohibited.
- C. Natural Environment.
Same as Conservancy.

14.86.040 Guidelines for Reviewing Substantial Development Permits.

Development Guidelines. In lieu of specific standards relating to design, location, bulk and use, the following guidelines shall be applied by the City's reviewing authority to a site specific project application for Substantial Development Permit in arriving at a satisfactory degree of consistency with the policies and criteria set forth in this Chapter. To this end, the City may extend, restrict, or deny an application to achieve said purposes.

- A. Important navigational routes or marine oriented recreation areas will not be obstructed or impaired;
- B. Views from surrounding properties will not be unduly impaired;
- C. Ingress-egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired;
- D. Public use of the surface waters below ordinary high water shall not be unduly impaired;
- E. The intensity of the use or uses of any proposed marina shall be compatible with the surrounding environment and land and water uses;
- F. In areas identified by the Department of Fisheries, Game or Natural Resources in accordance with a study in existence at the time of application as having a high environmental value for shellfish, fish life or wildlife, a marina shall not be allowed unless it can be conclusively established that the marina will not be detrimental to the natural habitat.
- G. Parking areas associated with marinas must be set back from the water and screened with the dual objective of making the area as visually unobjectionable as possible and that they are not located on the upland immediately adjacent to the water. Sufficient spaces must be provided for the parking load normal to a non-holiday summer weekend.
- H. All piers, docks, and floats shall be constructed and maintained in a safe and sound condition.
- I. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high water.
- J. When plastics or other nondegradable materials are used in pier construction, precautions shall be taken to ensure their containment.
- K. The dock facilities should be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
- L. Accessory buildings, such as storage sheds and service repair buildings shall be located away from the mean high water mark and adequately screened.
- M. Any structure, with the exception of derricks or other launching devices, which exceeds a height of 35 feet shall be considered a conditional use.
- N. Adequate facilities for the prevention and control of fuel spillage must be incorporated into the marina proposal.

- O. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, or toxic materials where all marina users may easily read them.
- P. Adequate garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
- Q. All marinas should provide restrooms for the boaters' use. They should be kept clean, located within 200 feet from the dock or pier, there should be one toilet and handwashing facility for each sex per 50 moorage sites; signs should be posted such that the restrooms are readily identifiable.
- R. Boaters should not use their marine toilets while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this should be posted where they are readily visible to all boaters.
- S. Floating homes should be prohibited. Houseboats and live-aboard vessels should be allowed only in those limited circumstances where there environmental and use impacts can be substantially limited.
- T. Marinas will be required to provide facilities for dumping of holding tanks for houseboats or live-aboard vessels are docked and being used as residences.
- U. Swimming shall be prohibited within marina facilities unless the swimming area is adequately separated and protected.
- V. Proposals for marinas shall indicate how the applicant intends to incorporate launch facilities or shall state why such facilities are not included in the project.
- W. Covered moorages are not permitted in areas determined by the appropriate reviewing authority to be scenic value.
- X. Where covered moorages are utilized, a dock shall be provided to the public for viewing the water and for fishing when feasible and appropriate.
- Y. All marina developments must comply with Department of Fisheries and Department of Social and Health Services regulations pertaining to marina construction and location.

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Chapter 14.90

MINING

Sections:

14.90.010 Definition.

14.90.020 General Regulations.

14.90.030 Environment Regulations - Uses Permitted.

14.90.010 Definition.

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

14.90.020 General Regulations.

The following regulations apply to mining in all environments:

- A. No materials shall be removed from a floodway or lakebed for the primary purpose of obtaining the material.
- B. Excavation for the maintenance, repair or construction of shoreline structures such as bulkheads, piers, jetties and groins are subject to the Master Program regulations governing those activities.
- C. The removal of 10,000 tons or more of naturally occurring inorganic materials or disturbance of more than 2 acres of land within designated wetland areas in one section shall require an Environmental Impact Statement.
- D. Any proposed mining activity within the geographical jurisdiction of the Shoreline Management Act shall maintain public values by:
 1. Doing no permanent significant damage to the environment.
 2. Providing for restoration subsequent to completion of the project in compliance with the conditions of the Substantial Development permit.
 3. Maintaining visual and aural screening of the operation as defined by the conditions of the substantial development permit.
 4. Maintaining buffers of at least 50 feet around mining activity, preferably of native vegetation, for additional visual and aural screening and for dust settling.
 5. Complying with the provisions of the Washington State Surface Mining Act and the provisions required under the Unclassified Use Permit section of the City of Lakewood Zoning Code.
- E. Operators shall not leave pits subject to flooding and subsequent stranding of fish.
- F. When rock, sand, gravel and other minerals are removed from the shoreline areas, protection against sediment and silt production shall be provided in compliance with the conditions of the Shoreline Substantial Development permit.

- G. The exploration for and subsequent production of petroleum products within the geographical jurisdiction of the Shoreline Management Act shall be considered incompatible with the intent of the Act.
- H. Removal of any inorganic material from a floodway or lakebed should be for stream or habitat improvement purposes or for structural installations performed by this Master Program and shall be in conformance with the technical provisions of the Departments of Fisheries and Game under jurisdiction of the Hydraulics Act.

14.90.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Mining shall be permitted subject to the general regulatory standards and upon obtaining a Conditional Use permit.
- B. Conservancy Environment.
Same as Urban.
- C. Natural Environment.
Mining shall not be permitted.

Chapter 14.94

OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

Sections:

14.94.010 Definition.

14.94.020 General Regulations.

14.94.030 Environment Regulations - Uses Permitted.

14.94.010 Definition.

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

14.94.020 General Regulations.

The following regulations apply to outdoor advertising, signs and billboards in all shoreline environments.

- A. The location, erection and maintenance of all signs must comply with the City of Lakewood Zoning Code, Chapter 45.
- B. Off-premise outdoor advertising signs, displays and billboards are prohibited in all shoreline environments.
- C. The appropriate reviewing authority must be satisfied that proposed commercial signs, warning signs, informational signs, etc. will be designed, located, and maintained in a manner that will not restrict the enjoyment of the shoreline resource.
- D. No signs will be erected or maintained upon trees, or drawn or painted upon rocks or other natural features.
- E. The height of any building mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.

14.94.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
 1. Commercial signs, warning signs, and informational signs are permitted subject to the general regulatory standards.
 2. Signs may be illuminated; however, signs which blink or flash, or which have changing images, or which in any way give an appearance of movement are prohibited.
 3. Strings of pennants, banners or streamers, festoons of lights, clusters of flags, wind-animated objects, balloons, and similar devices of a carnival nature are prohibited. Not prohibited are National, State and institutional flags properly displayed or temporary decorations customary for special holidays such as Independence Day, Christmas and similar events of a public nature.

B. Conservancy Environment.

1. Warning signs and informational signs are permitted in the Conservancy and Natural environments subject to the general regulatory standards.
2. Not prohibited are National, State and institutional flags properly displayed or temporary decorations customary for special holidays such as Independence Day, Christmas and similar events of a public nature.

C. Natural Environment.
Same as Conservancy.

Chapter 14.98

PIERS AND DOCKS

Sections:

14.98.010 Definitions.

14.98.020 Intent.

14.98.030 Environment Regulations - Uses Permitted.

**14.98.040 General Criteria and Guidelines for Reviewing
Substantial Development Permits.**

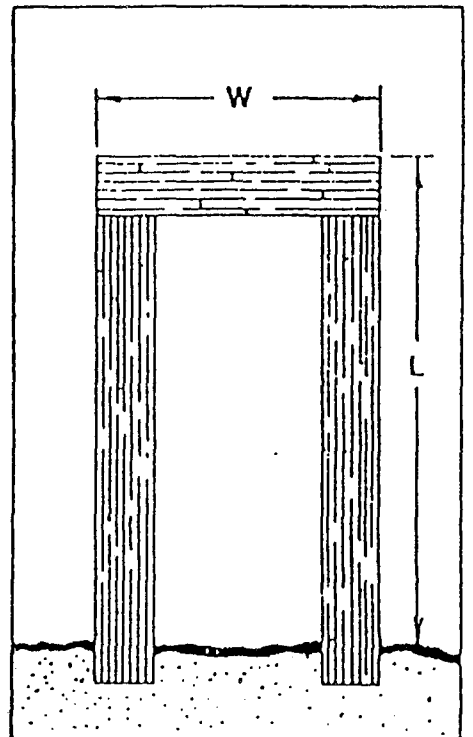
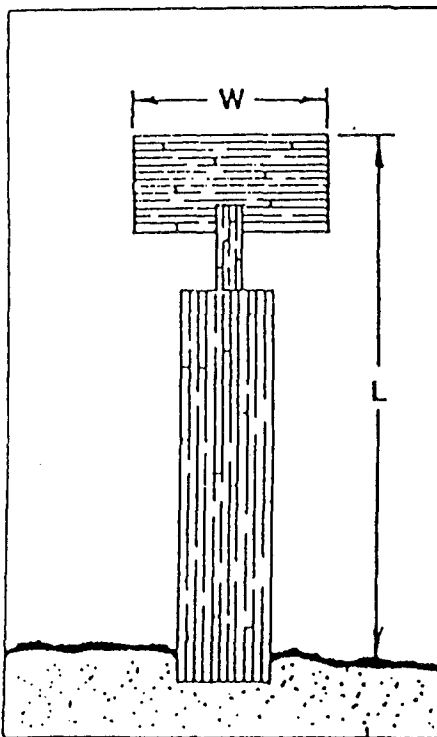
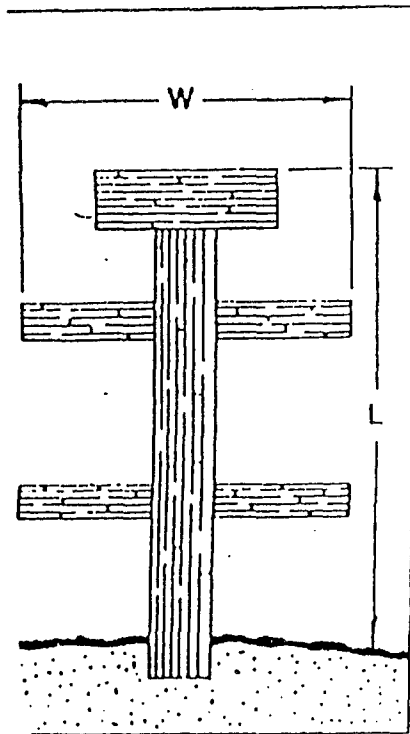
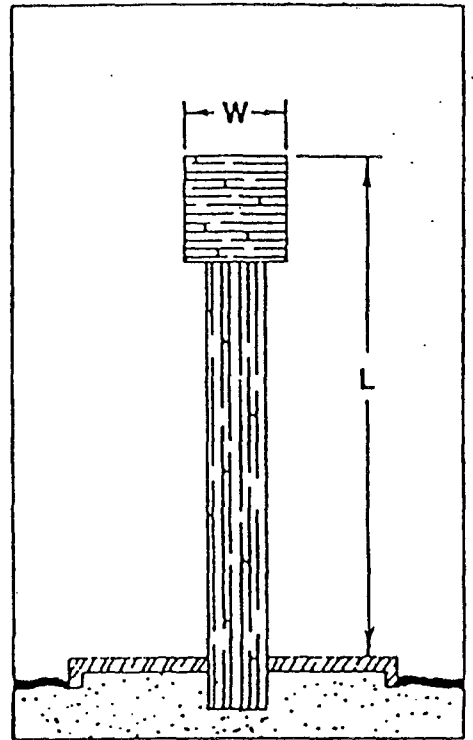
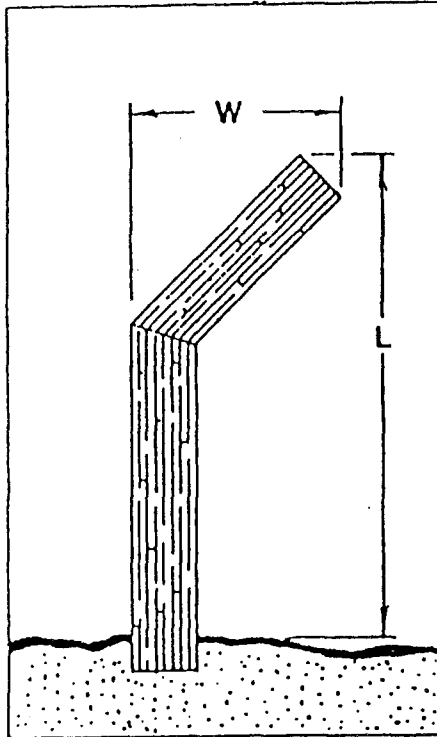
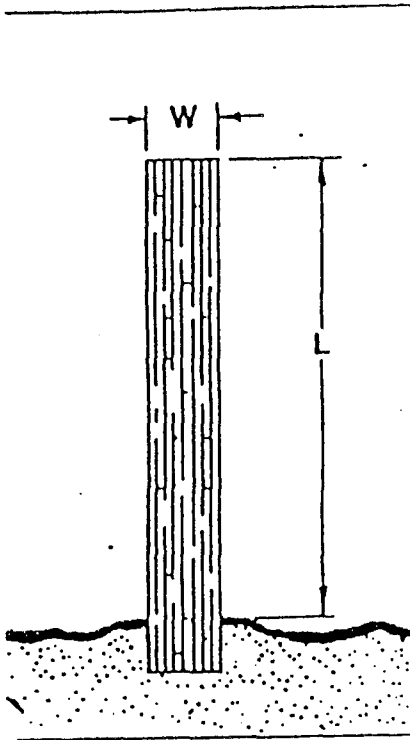
14.98.010 Definitions.

- A. Dock. A "Dock" shall mean a structure which abuts the shoreline and floats upon the water and is used as a landing or moorage place for marine transport or for recreational purposes.
- B. Pier. A "Pier" shall mean a structure which abuts the shoreline and is built over the water on pilings and is used as a landing or moorage place for marine transport or for recreational purposes.
- C. Float. A "Float" shall mean a structure comprised of a number of logs, boards, barrels, etc., fastened together into a platform capable of floating on water, used as a landing or moorage structure for marine transport or for swimming purposes. Floats are either attached to a pier or are anchored to the bedlands so as to allow free movement up or down with the rising or falling water levels.
- D. Gangway. A "Gangway" shall mean a sloping structure which provides access from a pier to a float.
- E. Intrusion into the Water. "Intrusion into the Water" shall mean the length of a dock or pier together with any attached structures such as a gangway and/or float measured along a perpendicular line from the ordinary high water line or lawfully established bulkhead to the most seaward projection of the structure.
- F. Length Parallel to Shore. "Length Parallel to Shore" shall mean the width of a pier or dock at its widest point measured parallel to the shoreline or the combined width of a pier, dock, and any attached structures such as a float at the widest point.
- G. Fetch. "Fetch" shall mean the horizontal distance across a body of water measured in a straight line from the most seaward point along the ordinary high water line or lawfully established bulkhead on a given stretch of shoreline to the closest point on the ordinary high water line or lawfully established bulkhead on the opposite shoreline.

- H. **Opposite Shore.** "Opposite Shore" shall mean the area of shoreline across a body of water, from a given lot or tract of land that lies within an arc, the center point of the arc being the mid-point of a base line which is a straight line drawn between the point of intersection of one lot sideline with the shoreline and the intersection of the opposite side lot line with the shoreline; the length of said radius being the distance between the mid-point of said line and the intersection of said radius line with the shoreline across the body of water measured perpendicular to the base line. (See Figure 2)
- I. **Single Use Pier or Dock.** "Single Use Pier or Dock" shall mean a dock or pier including a gangway and/or float which is intended for the private noncommercial use of one individual or family.
- J. **Joint Use Pier or Dock.** "Joint Use Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for the private, noncommercial use of not more than four waterfront building lot owners, at least one boundary of whose building lots lies within 1,000 feet of the boundary of the lot on which the joint use pier or dock is to be constructed.
- K. **Community Pier or Dock.** "Community Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for use in common by lot owners or residents of a subdivision or residential planned development district.
- L. **Public Recreational Pier or Dock.** "Public Recreational Pier or Dock" shall mean a pier or dock including a gangway and/or float either publicly or privately owned and maintained intended for use by the general public for recreational purposes, but not to include docks constructed as part of a marine development.
- M. **Private Recreational Pier or Dock.** "Private Recreational Pier or Dock" shall mean a pier or dock including a gangway and/or float which is owned and maintained by a private group, club, association or other organization and is intended for use by its members.
- N. **Commercial Pier or Dock.** "Commercial-Industrial Pier or Dock" shall mean a pier or dock including a gangway and/or float which is intended for any commercial or industrial use other than storage or moorage of boats used for recreational purposes.
- O. **Constricted Body of Water.** "Constricted Body of Water" shall mean any tidal basin having a width at the entrance which is less than half of the inner distance, measured from the entrance to the innermost shoreline.

FIGURE 1 ILLUSTRATIONS OF MEASUREMENTS

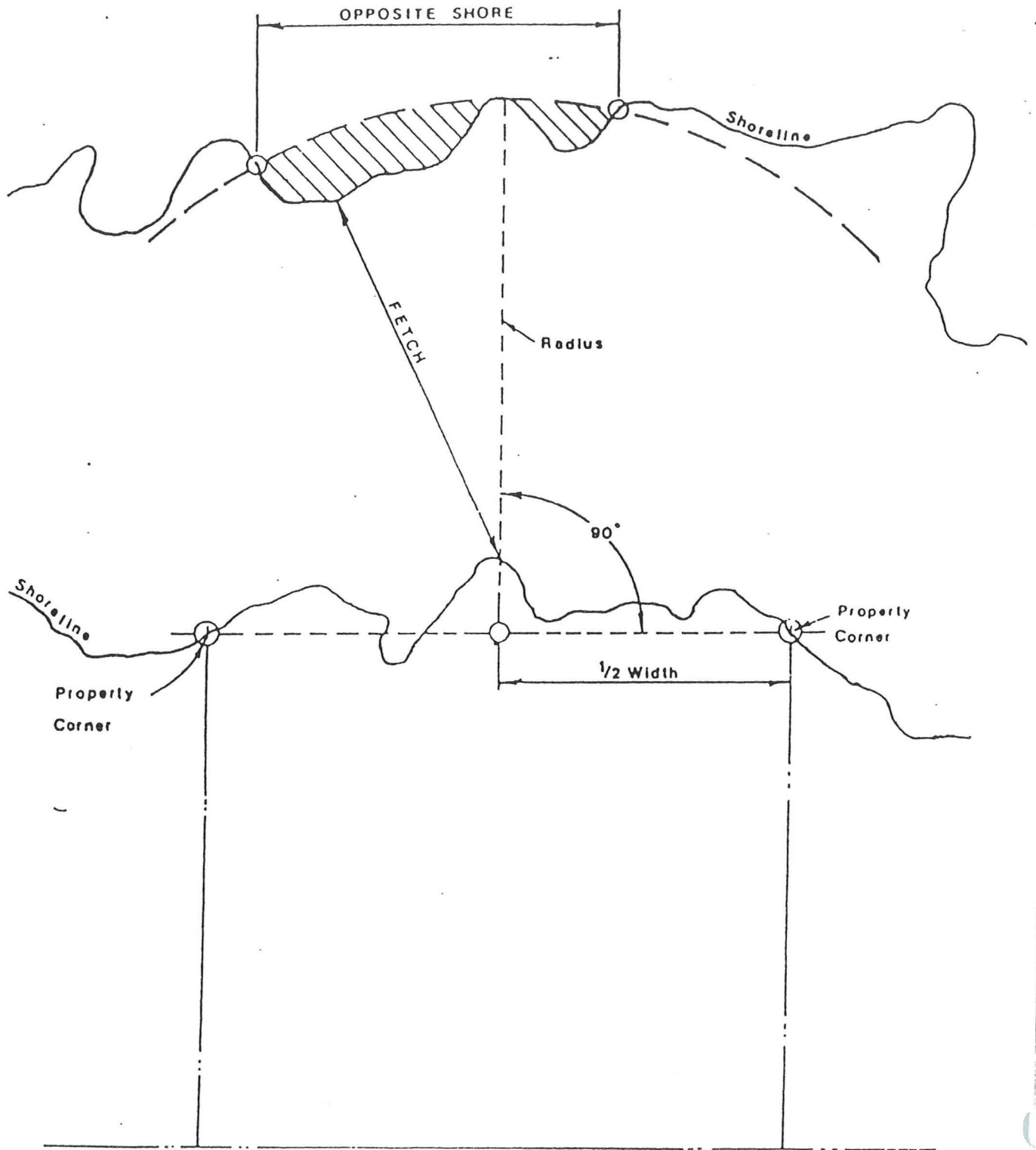
W = Length Parallel to Shore
L = Intrusion Into the Water



Adopted February 12, 1996
Effective February 28, 1996

Interim Shoreline Regulations

FIGURE 2
OPPOSITE SHORE



14.98.020 Intent.

It is the intent of the City of Lakewood to encourage the construction of joint use or community use docks and piers whenever feasible so as to lessen the number of structures projecting into the water. To this end, waterfront property owners are encouraged to explore the advantages of increased dock dimensions which are afforded by the construction of a joint or community use structure.

14.98.030 Environment Regulations - Uses Permitted.**A. Urban Environment.**

1. Uses permitted outright: (The issuance of a building permit may be required.)
 - a. Floating type navigation aids such as channel markers.
 - b. Anchor buoys limited to one per lot owner or one per 100 feet of shoreline frontage.
 - c. One uncovered float, pier and float, or dock as an accessory use and located on, or in front of the same lot, tract or parcel of land as a single family dwelling.
 - (1) The dock, pier or float shall be designed for swimming and/or mooring pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser or the single family residence to which the float or dock is accessory provided the cost or fair market value, whichever is higher, does not exceed \$2,500.
 - (2) Floats shall be so anchored as to allow clear passage on all sides by small watercraft and shall extend at least eight inches above the water surface.
 - (3) Floats shall have an overall area not exceeding 100 square feet.
 - (4) Floats, piers, and docks shall be located not closer than ten feet to a side property line except for docks intended for joint use.
 - (5) Fresh water docks and piers shall have an intrusion into the water of not more than 30 feet or only so long as to obtain a depth of eight feet, whichever is less as measured at ordinary high water; except that the intrusion into water of any dock or pier on fresh water shall not exceed 15 percent of the fetch. Maximum length parallel to shore shall be eight feet.
2. Uses permitted subject to the granting of a Shoreline Management Substantial Development Permit upon a finding by the appropriate City reviewing authority, of consistency with the criteria and guidelines of Section 14.98.040; and subject also to the granting of a building permit.
 - a. Uses permitted outright in Subsection A.1., but which exceed the limitations set forth in Subsection A.1.;
 - b. Joint use pier or dock, uncovered;
 - c. Community pier or dock, uncovered;
 - d. Recreational pier or dock, uncovered;
 - e. Commercial and industrial pier, covered or uncovered;

- B. Conservancy Environment.
Same as Urban Environment, except only water dependent and water related commercial and light industrial piers are allowed as a conditional use.
- C. Natural Environment.
Piers, docks and floats are prohibited.

14.98.040 General Criteria and Guidelines for Reviewing Substantial Development

Permits.

- A **Criteria.** The granting of a Substantial Development Permit is dependent upon the City reviewing authority's determination that the proposed project is consistent with the policies of the Master Program and with the following criteria:
 1. Important navigational routes or marine oriented recreation areas will not be obstructed or impaired;
 2. Views from surrounding properties will not be unduly impaired;
 3. Ingress-Egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired;
 4. Public use of the surface waters below ordinary high water shall not be unduly impaired;
 5. A reasonable alternative such as joint use, commercial or public moorage facilities does not exist or is not likely to exist in the near future;
 6. The use or uses of any proposed dock, pier or float requires, by common and acceptable practice, a Shoreline location in order to function;
 7. The intensity of the use or uses of any proposed dock, pier and/or float shall be compatible with the surrounding environment and land and water uses.

- B. Development Guidelines - In lieu of specific standards relating to design, location, bulk and use, the following guidelines shall be applied by the City 's reviewing authority to a site specific project application for Substantial Development Permit in arriving at a satisfactory degree of consistency with the policies and criteria set forth in this Chapter. To this end, the City may extend, restrict, or deny an application to achieve said purposes.
 1. All subdivisions containing five or more lots proposed after the effective date of this amended Chapter which abut the shorelines of any lake, should make provision for a community dock. Individual docks shall not be permitted.
 2. In areas identified by the Department of Fisheries, Game or Natural Resources in accordance with a study in existence at the time of application as having a high environmental value for shellfish, fish life or wildlife, piers, docks and floats shall not be allowed unless functionally necessary to the propagation, harvesting, testing or experimentation of said marine or wildlife, unless it can be conclusively established that the dock, pier or float will not be detrimental to the natural habitat.

3. All piers and docks shall be constructed and maintained in a safe and sound condition.
4. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high tide.
5. When plastics or other nondegradable materials are used in pier construction, precautions shall be taken to ensure their containment.
6. Single use piers and docks.
 - a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at ordinary high water in freshwater shorelines, except that the intrusion into the water of any pier or dock should not exceed 40 feet on freshwater shorelines.
 - b. Maximum length parallel to shore should not exceed eight feet.
 - c. A minimum separation of ten feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.
7. Joint use piers and docks.
 - a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at ordinary high water on freshwater shorelines, except that the intrusion into water of any pier or dock should not exceed 40 feet on freshwater shorelines.
 - b. Maximum length parallel to shore shall be as determined by the appropriate reviewing authority.
 - c. Minimum separation between the structure and the side property lines extended at a right angle to the shoreline of any property not sharing in the use of the structure shall be as required by the appropriate reviewing authority.
 - d. Joint use piers and docks can be located on, or straddling the property line of adjacent waterfront property owners when mutually agreed to by the owners in a contract, a copy of which must be filed with the application for permit.
 - e. Joint dock facilities should have no more moorage spaces than one space per waterfront owner using the dock.
8. Community and recreational piers and docks.
 - a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at ordinary high water on freshwater shorelines.
 - b. Maximum length parallel to shore shall be as determined by the appropriate reviewing authority.
 - c. Minimum separation between the structure and the side property lines extended at a right angle to the shoreline shall be as determined by the appropriate reviewing authority.
 - d. Density of usage should not exceed the following:
 - (1) Public recreational pier or dock. One moorage for each ten feet of waterfront up to 200 front feet plus one moorage for each additional five front feet (e.g., a 50 boat public

- recreational pier or dock would require 350 front feet). For piers associated with marinas, see Marinas Section.
- (2) Community pier or dock. One moorage for each 20 feet of waterfront up to 200 front feet plus one moorage for each additional ten front feet (e.g., a 20 boat community pier or dock would require 300 front feet).
 - (3) Private recreational pier or dock - One moorage for each 30 feet of waterfront up to 210 front feet plus one moorage for each additional 15 front feet (e.g., a 20 boat club pier and dock would require 405 front feet).
- e. Applications for a community pier or dock, or a public or private recreational pier or dock should be approved in a constricted body only if there is one surface acre of water within the constricted body, measured at mean low water, for each boat moorage (including buoys) within said constricted body.
 - f. Developers of community or recreational piers and docks should provide some means of maintenance of the structure and the associated upland area to assure that the facility and associated ground will be adequately maintained.
 - g. Any parking area associated with a community or recreational pier or dock should provide parking spaces at a level which is consistent with the desired intensity of use of the pier or dock. Adequate separation and buffers should be maintained between said parking area and adjacent properties.
 - h. In addition, all recreational piers or docks which are intended for use by the general public should comply with the following regulations:
 - (1) An adequate number of approved sanitary waste containers should be located conveniently for boater utilization.
 - (2) The dock facilities should be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
 - (3) Every facility should be in good repair and free from other safety hazards.
 - (4) All piers/docks with 25 or more moorage spaces should provide restrooms for the boaters' use. They should be kept clean, located within 200 feet from the dock or pier; there should be one toilet and handwashing facility for each sex per 25 moorage sites; signs should be posted such that the restrooms are readily identifiable.
 - (5) Boaters should not use their marine toilets while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this should be posted where they are readily visible to all boaters.
 - (6) All community and recreational piers and docks may be required to provide facilities for dumping of holding tanks.

9. Commercial pier or dock.
 - a. Joint or shared use of piers and other structures is preferred over single purpose use.
 - b. The maximum intrusion of the water should be no more than that required for the draft of the largest vessel expected to moor at the facility.
 - c. Any parking area associated with a commercial pier or dock should maintain adequate separation and buffers between adjacent properties and uses.
10. Floats. The design and placement of floats exceeding the limits of 14.98.030 A.1. shall be as determined by the appropriate City reviewing authority. Compliance with the general criteria and guidelines for reviewing Substantial Development Permits (14.98.040) is required.

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Chapter 14.102**RECREATIONAL PRACTICES****Sections:****14.102.010 Definitions.****14.102.020 General Regulations.****14.102.030 Environment Regulations - Uses Permitted.****14.102.010 Definitions.**

- A. Recreation. Recreation is the refreshment of body and mind through forms of play, amusement or relaxation. This Section applies to publicly and privately owned shoreline facilities intended for use either by the public or a private club, group, association, or a facility constructed accessory to a multifamily residential development.
- B. Water Dependent Uses. (Marinas and Boat Launch Facilities are considered under those titles).
All uses that are dependent on the water by reason of their intrinsic nature and cannot exist in any other location. Examples of water dependent uses include but are not limited to the following:
1. Swimming;
 2. Boating;
 3. Water skiing;
 4. Skin diving;
 5. Fishing;
 6. Waterfowl hunting and observation;
 7. Beachcombing;
 8. Scenic viewing (including picnicking activities).
- C. Water Related Uses. Recreational activities not intrinsically dependent on a shoreline location but which are made aesthetically more enjoyable by such location. Examples of water related uses include but are not limited to the following:
1. Hiking trails;
 2. Bicycle paths;
 3. Bridle paths;
 4. Golf courses.
- D. Non-water Related Uses. Those uses which do not need a shoreline location although access easements to the shoreline may be required. Examples of nonwater related uses include but are not limited to the following:
1. Parking lots;
 2. Food concessions;

3. Facilities for non-aquatic sports.

- E. Low Intensity Park and Campground. Those parks and campgrounds not exceeding the following design criteria shall be considered low intensity:
1. Campsites shall be designed for single-use only and shall be limited to a maximum density of five (5) units per acre;
 2. Roads allowed within 200 feet of the line of ordinary high water shall be single lane only and shall not be closer than 100 feet from ordinary high water;
 3. Visitor information services shall be limited to information signs and trailhead markers constructed of natural materials;
 4. Restroom and shower facilities associated with swimming beaches may not be located within the shoreline 200 foot zone except when these facilities are of a vault type construction or they are connected with a properly constructed and maintained sewer system. In these cases, such facilities may be located in the 200 foot zone, but shall be no closer than 100 feet from the ordinary high water mark, provided that the above provision shall not apply to sewage pump out-stations;
 5. All nonwater related structures except picnic shelters shall be set back at least 200 feet from ordinary high water;
 6. The removal of onsite native vegetation shall be limited to only that which is necessary for the development of campsites or other permitted structures or facilities.

14.102.020 General Regulations.

The following regulations apply to recreational practices in all shoreline environments:

- A. In approving shoreline recreational developments, the appropriate City reviewing authority shall ensure that the development will maintain, enhance or restore desirable shoreline features including scenic views. To this end, the appropriate reviewing authority may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements, and setbacks, as deemed appropriate to achieve this intent.
- B. Sewage. Proposals for recreational developments must include plans for sewage disposal. All disposal facilities including privies and dry wells shall meet all applicable State and local standards and regulations. Where treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet City and State requirements for onsite sewage disposal.
- C. Proposals for recreational developments which would in the judgment of the appropriate reviewing authority substantially alter the natural characteristics of the shoreline will be considered a Conditional Use.
- D. Underwater parks and artificial reefs established in cooperation with State agencies shall include safety provisions to warn boating traffic of their location.

- E. Artificial reefs shall not contain materials toxic or otherwise hazardous to persons or to fish and wildlife.
- F. Recreational beaches shall be retained in their natural state for water dependent multiple uses such as swimming and beachcombing. Structural modifications which might cause erosion are prohibited.
- G. Recreational developers who propose to use fertilizers, pesticides or other chemicals toxic to humans or to fish and wildlife must submit plans describing methods of preventing leachate from entering adjoining water bodies.

These plans should include the siting of buffer strips and where practical, the location of shade trees. The appropriate reviewing authority shall determine the maximum width necessary for buffer strips but in no case shall the buffer strip be less than 10 feet.

- H. Public parking areas shall be provided wherever needed for off-road recreation user parking.
- I. Motor vehicular traffic on beach and roadless shoreline areas is prohibited.
- J. No recreational development shall unnecessarily interfere with public use of navigable waters.
- K. No recreational building or structure, excluding docks, but including boathouses shall be built over water.
- L. Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access.

14.102.030 Environment Regulations - Uses Permitted.

- A. Urban, Conservancy Environments - The following specific regulations are applicable to the Urban and Conservancy Environments:
 - 1. Recreational activities and facilities allowed in the Urban, and Conservancy Environments shall be limited to those which are either water dependent or water related with the following exceptions:
 - a. ORV trails and areas shall be specifically prohibited.
 - b. Fishing piers in the Conservancy Environments are considered a Conditional Use.
 - c. Park and campground development allowed within 200 feet of the line of ordinary high water in the Conservancy Environment shall be limited to low intensity park and campground development; provided that high intensity uses are allowed in any park or campground beyond the 200 foot shoreline zone (see Section 14.102.010 for definition of low intensity park and campground).

- d. Nonwater related activities and facilities may be allowed in the Urban, Environments as Conditional Uses, provided it can be shown that:
 - (1) A water dependent or water related use cannot be reasonably expected to locate on the proposed site, due to topography, surrounding land uses, physical features or other conditions; and
 - (2) The proposed use will be of appreciable public or community benefit by increasing public use, enjoyment, or access to the shoreline.

B. Natural Environment.

- 1. The following recreational activities and developments are permitted subject to the general regulatory standards contained herein:
 - a. Bridle, bicycling and hiking trails;
 - b. Viewpoints;
 - c. Fishing and hunting access areas not requiring structural facilities.
- 2. Conditional Uses.
Walk-in campgrounds.
- 3. The following recreational activities are specifically prohibited:
 - a. Golf courses;
 - b. Structures for recreational purposes; ORV trails and areas;
 - c. Resorts;
 - d. High intensity parks;
 - e. Paved trails.

Chapter 14.106**RESIDENTIAL DEVELOPMENT****Sections:**

- 14.106.010 Definition.**
- 14.106.020 Permit Exemptions.**
- 14.106.030 General Regulations.**
- 14.106.040 Environment Regulations - Uses Permitted.**
- 14.106.050 Bulk Regulations.**

14.106.010 Definition.

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

14.106.020 Permit Exemptions.

The Shoreline Management Act exempts from obtaining a Substantial Development Permit the construction of any structure with a cost or fair market value less than \$2500, whichever is less, and the construction of a single family residence by an owner, lessee, or contract purchaser for his own use or the use of his family, if said residence does not exceed a height of thirty-five (35) feet above average grade level. Although these structures are exempt from obtaining a Substantial Development Permit, compliance with the prohibitions, regulations, and development standards of this Chapter is still required.

14.106.030 General Regulations.

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

- A. Prior to the approval of any residential development and associated roads and utilities pursuant to this Chapter, the appropriate reviewing authority shall be satisfied that:
 - 1. The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate.
 - 2. Adequate methods of erosion control will be utilized during and after project construction.
 - 3. Disturbance of shoreline vegetation will be minimized.

4. Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.
 5. All residential structures shall be landward of the extreme high water mark.
- B. Bulkheading, filling, substantial regrading or any other similar structure or activity shall not be permitted when such structures or activities are clearly non-essential for the reasonable use or production of the lot or tract upon which it is located.
- C. In any development project containing five or more residential sites, a commonly owned natural open space area shall be provided and maintained between the shoreline and the first tier of lots adjacent to the shoreline for the benefit, use and enjoyment of all lots within said subdivision and for the purpose of maintaining the natural visual appearance of the waterfront. However, if due to topography or other significant site characteristics, another site would be more appropriately used as open space, and it is determined that linear access is not required, the appropriate reviewing authority may allow an equivalent area to be utilized as open space.
- D. All new platting on rivers of statewide significance shall include a pedestrian easement along the stream bank for the use of the public. Said easement shall be a minimum width on a horizontal plane from ordinary high water as necessary for a practical trail which will not damage stream banks.
- E. All new platting on lakes and marine shorelines shall include pedestrian easements to public waters if the appropriate reviewing authority determines that adequate public access does not presently exist in the area.

14.106.040 Environment Regulations - Uses Permitted.

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

- A. Urban Environments. The following specific regulations are applicable to the Urban Environments.
1. The following uses are permitted outright in the Urban Environment. The issuance of a building permit may be required:
 - a. Construction, within the prescribed setback, bulk and height limitations of a single family residence by an owner, lessee or contract purchaser for his own or the use of his family.
 - b. The construction of single family residences within a subdivision for the purpose of sale where the construction of said residences

- and the subdivision meet all applicable Master Program requirements.
- c. The following uses commonly accessory to single family residences constructed within the prescribed setback and height limitations:
 - (1) Garages;
 - (2) Sheds and storage facilities;
 - (3) Bulkheads (see Chapter 14.28);
 - (4) Piers, docks, buoys and floats (see Chapter 14.56).
 - d. Residential subdivisions, determined not to be substantial developments.
2. The following uses are permitted upon the issuance of a Substantial Development Permit and building permit, if appropriate:
- a. The construction of single family residences for the purpose of sale which are not within a subdivision which has received prior approval of a Substantial Development Permit.
 - b. Two family detached dwellings (duplexes).
 - c. Residential subdivisions determined to be substantial developments.
 - d. Structures commonly accessory to dwellings other than those listed in Subsection A.1.c.
3. The following uses are permitted upon the issuance of a Substantial Development Permit, building permit as appropriate, and final approval of a development project pursuant to the City PDD ordinances:
- a. Multifamily housing;
 - b. Residential subdivisions;
 - c. Row housing, townhouses, and other similar cluster type development;
 - d. Uses commonly accessory to dwellings.
4. The following use is permitted upon the issuance of a Shoreline Management Conditional Use Permit and building permits, as appropriate:
- a. Mobile home parks: This use will be allowed only after the appropriate City reviewing authority determines that the proposed structure is compatible with surrounding uses and is consistent with the intent of the Master Program.

Note: When deemed necessary, the City may impose such conditions as may be necessary to assure compatibility with surrounding uses such as, but not limited to, screening, landscaping, and setbacks.

5. Density Requirements:

MAXIMUM DWELLING UNITS PER NET ACRE
(30,000 sq. ft.) OR PROPORTIONATELY
FOR A FRACTION THEREOF*

<u>TYPE</u>	
a. Subdivision, single family detached	3.33
b. Duplexes	4.4
c. Subdivision, group or cluster, prepared under PDD ordinance	5.5
d. Multifamily, prepared under PDD ordinance	15.0
e. Mobile home parks	5.5

B. Conservancy Environment. The following specific requirements are applicable to the Conservancy Environment:

1. The following uses are permitted outright in the Conservancy Environment. The issuance of a building permit may be required: Same as Urban Environment.
2. The following uses are permitted upon the issuance of a Substantial Development Permit and a building permit, if appropriate:
 - a. The construction of single family residences for the purpose of sale which are not within a subdivision which has received prior approval of a Substantial Development Permit.
 - b. Subdivision of single family residences determined to be a substantial development.
 - c. Structures commonly accessory to dwellings other than those listed in Subsection A.1.c.
3. Density requirements:

MAXIMUM DWELLING UNITS PER NET ACRE
(30,000 sq. ft.) OR PROPORTIONATELY
FOR A FRACTION THEREOF*

a. Subdivision, single family detached	1.0
b. Subdivision, group or cluster, prepared under PDD ordinance	1.0

c. Natural Environment.
Residential development is prohibited in the Natural Environment.

*NOTE: Residential density is the average waterfront density which is based upon the net acre (e.g., 30,000 sq. ft.) for each lot being located within the two hundred foot horizontal plane distance measured from the ordinary high water mark or lawfully established bulkhead, or upland limit of any associated shoreland as defined by RCW 90.50.030(2)(f); provided, that residential density may be based on total lot area in any subdivision or portion thereof, if as a condition of plat approval, all principal structures and uses in said subdivision or portion thereof are set back a distance of 125 feet or more from the ordinary high water mark, lawfully established bulkhead, or upland limit of an associated wetland.

14.106.050 Bulk Regulations.

The following lot coverage, setback and height limitations shall be applicable to residential development in all shoreline environments. Exceptions may be made to the lot coverage and setback requirements if a project is developed pursuant to the Planned Development Ordinance.

- A. Lot Coverage. Not more than 33-1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.
- B. Setbacks. All setbacks, with the exception of the setbacks from the ordinary high water line or lawfully established bulkhead, shall be as required by the City of Lakewood Zoning Code or other City regulations.
- C. Special Setbacks for Shoreline Sites. The required setback for buildings and structures from any lot line or lines abutting the ordinary high water line or lawfully constructed bulkhead shall be 50 feet except that the special shoreline setback shall not apply to docks, floats, buoys, bulkheads, launching ramps, jetties and groins.
- D. Exceptions to the Special Setbacks for Shoreline Sites.
 1. The shoreline setback for any proposed buildings or structures on a vacant lot that has a common property line with one or more lots which is/are developed with a principal use/uses and which abut the ordinary high water line shall be as follows:
 - a. Not less than the average of the setbacks of the principal uses on the adjacent properties. (In determining the average, a vacant parcel shall be considered a 50 foot setback.) However, no building or structure will be required to be set back more than 50 feet from nor allowed closer than 15 feet to the ordinary high water line or the lawfully established bulkhead.
 2. Any water dependent accessory use may be allowed within the 50 foot setback upon the issuance of a Conditional Use Permit. The issuance of a Conditional Use Permit shall be predicated upon a determination that the project will be consistent with the following Conditional Use criteria, and the Conditional Use criteria listed in WAC 173-14-140, and will cause no reasonable adverse effects on the environment and other uses.
Conditional Use Criteria:
 - a. Views from surrounding properties will not be unduly impaired.

- b. Adequate separation will be maintained between the structure and adjacent properties and structures.
 - c. Screening and/or vegetation will be provided to the extent necessary to insure aesthetic quality.
 - d. Design and construction materials shall be chosen so as to blend with the surrounding environment.
 - e. No additional harm to the aquatic environment will result from the reduced setback.
 3. The shoreline setback for lots of record as of April 4, 1975 having a depth of less than 115 feet may be reduced, if appropriate by one foot for each foot that the lot is less than 115 feet deep, but in no case shall such adjustment result in a setback of less than 15 feet.
 4. Existing buildings and structures in existence on or before the effective date of this Title may be remodeled or rebuilt in the same location, provided the ground floor lot area of the said building is not increased and further provided that the building or use thereof shall have been and continues to be conforming to these regulations and shall be for the same use.
 - a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, sun shades and gutters may project into a required yard a distance not to exceed one and one-half feet.
 - b. Uncovered porches or decks may project into a required setback, provided that such porches or decks are no higher than four feet from the finished ground level; and further provided that in no case shall they be closer than five feet to any lot line nor closer than 15 feet to ordinary high water or the lawfully established bulkheads.
 5. Offstreet Parking. At least one but not more than three offstreet parking spaces shall be provided for each dwelling unit on a site or tract of land subject to the limitations of total lot coverage. No parking area shall be located within 30 feet of the ordinary high water mark.
 6. Site Preparation. It shall be the intent of this Chapter to require the maintenance, enhancement, and preservation of the natural site amenities. To this end, the City may limit the extent of grading and clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.
- E. Height Limitations. The maximum height above average grade level of any residential structure shall be 35 feet unless a Conditional Use Permit is obtained pursuant to Chapter 14.70, High Rise Structures.

Chapter 14.110

ROADS AND RAILROADS

Sections:

- 14.110.010** **Definitions.**
14.110.020 **General Regulations.**
14.110.030 **Environment Regulations - Uses Permitted.**

14.110.010 **Definitions.**

A road is a linear passageway, usually for motor vehicles, and a railroad is a linear passageway with tracks for train traffic.

14.110.020 **General Regulations.**

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

- A. Developers of roads and railroads must be able to demonstrate the following to the appropriate reviewing authority:
1. The need for a shoreline location and that no reasonable upland alternative exists.
 2. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
 3. That the project will be planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
 4. That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into water body.
 5. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flows.
 6. That when new roads will afford scenic vistas, viewpoint areas will be provided. Scenic corridors shall have sufficient provision for safe pedestrian and non-motorized vehicular travel. Where regulations require a sixty foot right-of-way, the road bed may be placed on one side of the right-of-way.
 7. That public road rights-of-way, view areas, rest and picnic areas will maintain the natural shoreline vegetation and topography.
 8. That efforts have been made to coordinate with existing land use plans including the Shoreline Master Program.
 9. That roads in an industrial area are essential to the industrial operation.
- B. Developers of roads and railroads must also be able to demonstrate the following to the appropriate reviewing authority to insure access to the shorelines from upland areas.

1. That roads and railroads are located on grade rather than elevated unless crossing wetlands. Road and railroad designs must provide appropriate pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.
 2. That where bridges cross streams or rivers, pedestrian linear access along the rivers will be provided except where precluded by safety factors. Pedestrian and bicycle passage across water shall be provided except on limited access highways.
 3. That financing is available and is secured for view points and picnic areas along highways having high scenic value before City approval of funds for road construction.
- C. All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs and/or trees which shall be maintained by the installing agency until established.
- D. Roads and railroads shall not be located so as to require large portions of streams to be routed into and through culverts.
- E. To the extent possible, developers of roads and railroads shall attempt to minimize locations which parallel the shoreline.
- F. Bridges shall be used when crossing marshes, swamps, bogs, ponds, natural recharge areas and other wetlands to avoid obstructing movement of surface and groundwater.
- G. Major roads and railroads shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause significant additional environmental damage.
- H. Private access roads providing ingress and egress for individual single family residences or lots shall be limited to one lane with turnouts and may not exceed a maximum width of fifteen (15) feet.
- I. Private access roads serving two or more families may be two lanes in width.

14.110.030 Environment Regulations - Uses Permitted.

- A. Urban, Rural-Residential and Rural Environments.
Subject to the general regulatory standards of this Chapter, the following uses are permitted in the Urban Environment:
1. Uses permitted outright:
 - a. Roads;
 - b. Railroads.
- B. Conservancy Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted in the Conservancy Environment:

1. Uses permitted outright:
 - a. Roads with paved surface of 30 feet or less;
 - b. Railroads.
2. Uses permitted upon approval of Conditional Use Permit:
Roads with a paved surface exceeding 30 feet.

C. Natural Environment.

Subject to the general regulatory standards of this Chapter, the following uses are permitted in the Natural Environment:

1. Uses permitted outright:
 - a. Roads necessary to protect the Natural Environment and adjoining lands from major disasters.

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Chapter 14.114

SHORELINE PROTECTION ACTIONS

Sections:

- 14.114.010 Definition.**
14.114.020 General Regulations.
14.114.030 Environment Regulations - Uses Permitted.

14.114.010 Definition.

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

14.114.020 General Regulations.

The following regulations apply to shoreline protection actions in all environments:
 The following use regulations are applicable to the areas within the 100-year floodplain under the jurisdiction of the Shoreline Management Act and are recommended policies for management of adjacent land also located in the flood hazard zone.

- A. In the rare instances in which structural flood controls are permitted to protect private property, the cost of such devices shall not be subsidized by the taxpayers of City of Lakewood unless there are demonstrated public benefits which are greater than the harm to the environment caused by said structures, as determined by the City .
- B. Approval or denial of shoreline protection permits shall not be based on the availability of funding.
- C. No permanent nonwater dependent structures shall be placed in the floodway zone.
- D. Permanent structures placed within the 100-year floodplain shall be designed and constructed to resist a 100-year flood.
- E. Stormwaters from new developments shall be controlled on site so that runoff entering surface waters is no greater than it would be if the land were left undeveloped.
- F. Riprapping and other bank stabilization measures, when permitted, shall be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.
- G. All bank protection material shall be placed from the bank. There shall be no dumping of bank protection material directly from a truck bed onto the bank face.

- H. Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water or by wave action.
- I. When riprap is washed out of place into the river and presents a hazard to the safety of recreational users, it shall be removed by the owner of such material.
- J. Trees shading streams and rivers shall be retained or replanted when riprap is placed.
- K. Dikes, levees, berms and similar flood control structures shall be placed landward of the floodway as determined by the U.S. Army Corps of Engineers and the State of Washington, Department of Ecology.
- L. Structural flood control devices shall not be placed between swamps, marshes and other wetlands associated with the stream and the stream proper.
- M. Dikes, levees, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat.
- N. Whenever bank stabilization is allowed, materials used for such action shall consist of rock or other materials of the earth. Automobile bodies or other junk or solid waste materials shall not be used.
- O. When application is made for structural flood controls on shorelines of statewide significance, primary consideration shall be given to the effect of the structures on the statutory preferred uses of such shorelines.
- P. Linear access along dikes shall be encouraged and incorporated into the City Shoreline Access Program.
- Q. The City shall require linear access along new dikes when the appropriate reviewing authority determines such access to be in the public interest.

14.114.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
 - 1. Straightening or channelizing rivers is prohibited unless there is a demonstrated public benefit which outweighs the harm to the environment as determined by the City .
 - 2. Dams and holding basins are encouraged and permitted subject to the general regulatory standards and Conditional Use requirements.
 - 3. Other shoreline protection actions are permitted subject to the general regulatory standards.

B. Conservancy Environment.

1. Straightening or channelizing rivers is prohibited.
2. Dams and holding basins are permitted subject to the general regulatory standards and Conditional Use requirements.
3. Bank stabilization by means of berms and vegetation is preferred and permitted subject to the general regulatory standards.
4. Structural shoreline protection is permitted subject to the general regulatory standards and Conditional Use requirements.
5. Nonstructural shoreline protection shall be permitted subject to the general regulatory standards
6. Shoreline protection actions shall be permitted only when necessary to protect life, buildings in existence on the date of final adoption of this Master Program, or land committed to agricultural use.
Exception: Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Act.

E. Natural Environment.

1. Structural shoreline protection is prohibited.
2. Straightening or channelizing rivers is prohibited.
3. Dams and holding basins are prohibited.
4. Nonstructural shoreline protection shall be permitted subject to the general regulatory standards and upon obtaining a Conditional Use Permit.
5. Only protection by vegetation shall be permitted.

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Chapter 14.118

SOLID WASTE DISPOSAL

Sections:

- 14.118.010 Definition.**
- 14.118.020 General Regulations.**
- 14.118.030 Environment Regulations - Uses Permitted.**

14.118.010 Definition.

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

14.118.020 General Regulations.

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

- A. Shoreline areas shall not be considered for solid waste disposal or transfer.
- B. Existing shoreline solid waste disposal and transfer facilities shall be expeditiously phased out and rehabilitated.
- C. Solid waste disposal policies and regulations shall be consistent with the adopted Solid Waste Management Plan and with applicable State regulations.
- D. All developments, public and private, shall provide for solid waste disposal facilities adequate for maximum estimated usage. Department of Ecology regulations shall be followed.
- E. The Washington State Litter Law (RCW 70.93) shall be strictly enforced in shoreline areas.

14.118.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Solid waste disposal sites are prohibited.
- B. Conservancy Environment.
Same as Urban.
- C. Natural Environment.
Same as Urban.

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Chapter 14.122

UTILITIES

Sections:

- 14.122.010** **Definition.**
14.122.020 **General Regulations.**
14.122.030 **Environment Regulations - Uses Permitted.**

14.122.010 **Definition.**

Utilities are services which produce and carry or transmit electric power, water, gas, sewage, communications, and oil.

14.122.020 **General Regulations.**

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

- A. Applications for installation of utility facilities shall include the following:
 - 1. Reason why utility facility requires a shoreline location;
 - 2. Alternative locations considered and reasons for their elimination;
 - 3. Location of other utility facilities in the vicinity of the proposed project to include the facilities of other types of utilities;
 - 4. Plans for reclamation of areas disturbed during construction;
 - 5. Plans for control of erosion and turbidity during construction;
 - 6. Possibility for consideration of the proposed facility within existing utility right-of-way.

- B. Utilities shall be located to re-enforce goals and policies of comprehensive long-range planning.

- C. The State of Washington Departments of Fisheries and Ecology shall be notified of any utility proposal which would require withdrawals of water from any body of water under shoreline management jurisdiction.

- D. The location and construction of outfalls shall comply with all appropriate Federal, State, and City regulations.

- E. Water discharged to rivers or marine waters which is determined by the Department of Ecology to be contaminated shall receive appropriate treatment as determined by the Department of Ecology and shall not present a thermal barrier to fish migration.

- F. Construction of underwater utilities or those within the wetted perimeter shall be timed to avoid major fish migratory runs.

- G. Distribution lines shall be placed underground in all residential developments.

- H. Underground utility lines shall be completely buried under the river bed in all river or stream crossings.
- I. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited unless no other alternative exists. In those limited instances when permitted, automatic shut off valves shall be provided at both sides of the water body.
- J. Upon completion of utility installation/maintenance projects on shorelines, banks shall be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.
- K. Above ground generating facilities, switching complexes, pumping stations, treatment plants, storage tanks, and substations shall be located at least 200 feet from the ordinary high water mark unless the developer can show the need for a shoreline location.
- L. Where major generating facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
- M. Shoreline crossings by transmission and distribution facilities shall be minimized.
- N. Transmission and distribution facilities shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
- O. Where overhead transmission lines must parallel the shoreline, they shall be outside of the two hundred foot or wetland designation unless topography or safety factors would make it unfeasible.
- P. When minimum flow requirements are established on major rivers by the Washington State Department of Fisheries, utilities requiring withdrawals of water should be located only where such minimum flows can be maintained.
- Q. In cooperation with landowners, the City shall attempt to incorporate major transmission line rights-of-way on shorelines into its program for public access to and along water bodies.
- R. State Board of Health Public Water Supply rules and regulations shall be adhered to.

14.122.030 Environment Regulations - Uses Permitted.

- A. Urban Environment.
Utilities are permitted subject to the general regulatory standards.

- B. Conservancy Environment.
Same as Urban.

- C. Natural Environment.
 - 1. Utilities are prohibited except where unavoidably necessary to cross a body of water.
 - 2. Utilities in the limited instances when allowed shall be considered a Conditional Use and shall be placed underground.

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Chapter 14.126**IMPLEMENTATION****Sections:**

- 14.126.010 Purpose.**
- 14.126.020 Variances.**
- 14.126.030 Conditional Uses.**
- 14.126.040 Unclassified Uses.**
- 14.126.050 Expansion of a Nonconforming Use.**
- 14.126.060 Discontinuance of Nonconforming Uses.**

14.126.010 Purpose.

To insure that strict implementation of the Master Program will not create unnecessary hardships or thwart the policy enumerated in Section 90.58.020 RCW; variance, conditional use, and nonconforming use provisions are provided to help implement the Master Program.

Any such variance or conditional use shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effects.

Nonconforming use provisions apply to any use which became nonconforming on the effective date of this Title, and whose expansion would make the use more conforming.

14.126.020 Variances.

It is understood that the regulations may cause unnecessary hardships in particular situations, or that the regulations might be unreasonable in light of new evidence, technology, or other special circumstances, and the goals and policies of the Master Program may not necessarily be served by the strict application of the regulations. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for a Variance. A Variance will be granted only after the applicant can demonstrate the following:

- A. There are conditions or circumstances involved with the particular project that make strict application of the regulations unnecessary or unreasonable for the applicant's proposal.
- B. That granting the Variance will not violate, abrogate, or ignore the goals, policies, or individual environment purposes spelled out in the Master Program.
- C. That no other applicable regulations will be violated, abrogated, or ignored.
- D. That the public health, safety and welfare will not be adversely affected.
- E. That the specific provision or provisions to be relaxed clearly did not foresee or consider the particular situation the applicant is facing.

14.126.030 Conditional Uses.

The objective of a Conditional Use provision is to provide more control and flexibility for implementing the regulations of the Master Program. With provisions to control undesirable effects, the scope of uses within each of the five environments can be expanded to include many uses.

Uses considered to be Conditional Uses are those which may be permitted provided all of the following criteria are met:

- A. That there is some necessity for a shoreline site for the proposed use or that the particular site applied for is essential for this use.
- B. The use will cause no unreasonably adverse effects on the environment or other uses.
- C. That water, air, noise and other classes of pollution will not exceed the level customarily found in that particular environment.
- D. Design of the site will be compatible with the Master Program.
- E. The use will not interfere with public use or public shorelines.

14.126.040 Unclassified Uses.

All proposed uses not classified under one or more of the Master Program use activities shall be considered a Conditional Use and will be permitted provided the Conditional Use criteria are met.

14.126.050 Expansion of Nonconforming Uses

Any proposed expansion of a use determined by the Community Development Department or the appropriate reviewing authority to be non-conforming shall be permitted provided all of the following criteria are met:

- A. The proposed change will make the use more compatible with the environment in which it is located.
- B. That water, air noise and other classes of pollution will not exceed the level customarily found in that particular environment.
- C. That the public health, safety and welfare will not be adversely affected.

14.126.060 Discontinuance of Nonconforming Uses.

Should a nonconforming use be discontinued for a period of one year or more, such use shall not be resumed, and any illegal structure or use shall be removed.

Chapter 14.130

PROCEDURE FOR AMENDMENTS TO THE SHORELINE MASTER PROGRAM AND OFFICIAL CONTROLS

Sections:

- 14.130.010 Purpose.**
- 14.130.020 Adoption Required by the Council.**
- 14.130.030 Initiation of Amendments.**
- 14.130.040 Applications Required.**
- 14.130.050 Prefiling.**
- 14.130.060 Public Hearing Required by Commission.**
- 14.130.070 Setting of Hearing.**
- 14.130.080 Filing Fees.**
- 14.130.090 Filing Fees - Nonrefundable.**
- 14.130.100 Multiple Fees.**
- 14.130.110 Fee Exemption.**
- 14.130.120 Notices.**
- 14.130.130 Community Development Department Report - Transmittal.**
- 14.130.140 Changes to an Amendment Authorized at a Hearing.**
- 14.130.150 Hearings may be Continued Without Recourse to Additional Public Notice.**
- 14.130.160 Required Vote by the Commission.**
- 14.130.170 Planning Agency's Report to the Council.**
- 14.130.180 Right of Appeal.**
- 14.130.190 Action by the Council Upon Receipt of Planning Agency's Report.**
- 14.130.200 Remand - Notice and Hearing Required.**
- 14.130.210 Action by the Council - Remand Matters.**
- 14.130.220 Reversal - Council to Prepare Separate Findings.**
- 14.130.230 Decision of the Council Final.**
- 14.130.240 Transmittal to the Department of Ecology.**
- 14.130.250 Appeals - Cost of Preparing Transcript.**
- 14.130.260 Permanent Files Shall Include Summary of Testimony.**

14.130.010 Purpose.

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

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

14.130.020 Adoption Required by the Council.

Adoption of an amendment to the Shoreline Master Program or adoption of or amendment to the official controls shall be adopted by the Council by ordinance after a public hearing and report by the Planning Commission.

14.130.030 Initiation of Amendments.

The Shoreline Master Program, official controls or amendments thereto may be initiated by:

- A. The adoption of a motion by the Council requesting the Planning Agency to set a matter for hearing and recommendation.
- B. The adoption of a motion by the Planning Commission with the concurrence of the Community Development Department.
- C. Application of one (1) or more owners of property which are directly affected by the proposal.
- D. A department or agency of the City or governmental entity.
- E. The adoption of a motion by the majority of those members of the Shoreline Management Citizens Advisory Committee present and entitled to vote at a meeting of the Committee where a quorum is present.

14.130.040 Applications Required.

The Community Development Department shall prescribe the form in which applications are made for amendments to the Shoreline Master Program and/or official controls. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements. Applications that do not meet the filing requirements of the Community Development Department shall become null and void sixty (60) days from the date the application was issued by the Department, provided, the Department, for good cause, may extend said period.

14.130.050 Pre-filing.

For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the Community Development Department may require a pre-filing conference and may request the submission of general plans or other descriptive data relative to the proposal. Unless determined to be exempt, an Environmental Assessment shall be required as a part of the pre-filing procedures.

14.130.060 Public Hearing Required by Commission.

Whenever an amendment to the Shoreline Master Program or official controls is initiated under Section 14.130.030 above, the Commission shall hold at least one (1) public hearing thereon, and notice of such hearing shall be given.

14.130.070 Setting of Hearing.

The date, or dates, for public hearings on matters relating to the Shoreline Master Program or official controls shall be set by the Community Development Department when such hearings are to be held before the Planning Commission and by the Clerk of the Council for hearings to be held before the Council. The date of the hearings before the Commission or the Council shall be not less than ten (10) days from the time of the filing of a verified application or the adoption of a motion of intention by the Planning Commission or the Council.

14.130.080 Filing Fees.

Fees, as set forth in the City's fee resolution, shall be paid upon the filing of any application. Additional review fees may be assessed by other City departments.

14.130.090 Filing Fees - Nonrefundable.

Filing fees shall not be refunded after acceptance of a properly filed application by the Community Development Department.

14.130.100 Multiple Fees.

When any proposal requires more than one (1) application pursuant to this Code or other land use regulatory codes, the highest of the several required filing fees plus one-half (1/2) of all other fees shall be paid.

14.130.110 Fee Exemptions.

Filing fees shall not be required when a matter has been initiated by the Council or a department or agency of City of Lakewood, or the Shoreline Management Citizen Advisory Committee.

14.130.120 Notices.

Notice shall be given pursuant to WAS 173-19-061. Both published and written notice of any hearing may be employed at the direction of the Community Development Department. In the event a proposed amendment is specifically related to a community geographical area of the City notice, as provided above, shall also be published in a newspaper particularly oriented to that community, if there be one.

14.130.130 Community Development Department Report - Transmittal.

The Community Development Department shall prepare a written report on each application pending before the Planning Commission which shall contain the factual findings by the department having a bearing on the application and the department's recommendation, if such is to be made. The report shall also include the comments by other departments. The Environmental Worksheet together with the Determination of No Significant Impact or a Final Environmental Impact Statement shall also be forwarded to the Planning Commission. Not less than five (5) working days prior to the date of the public hearing on an application, the Community Development Department staff report shall be transmitted to the Planning Commission and the applicant. Copies of the staff report shall be made available in the Chambers on the date of public hearing.

14.130.140 Changes to an Amendment Authorized at a Hearing.

A proposed amendment may be changed or modified at the prescribed hearing without further legal notice being given; provided, any such change or modification does not exceed the scope of the legal notice provided thereto. When changes are proposed which exceed the scope of the legal notice given said matter, no further action shall be taken on the matter until such time as further legal notice can be given in the manner provided in this Chapter.

14.130.150 Hearings May be Continued Without Recourse to Additional Public Notice.

If for any reason the hearing on any matter set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may direct that the hearing on the matter be continued. If the date, time and place at which the continued hearing will be held is publicly announced at the hearing from which the continuance is made, then no further notice of the continued hearing is required.

14.130.160 Required Vote by the Commission.

A recommendation for approval of any amendment of official control before the Commission shall be by the affirmative vote of not less than a majority of the total members of the Commission. When a motion before the Commission to recommend approval of an amendment fails to carry by the required vote, or a motion to deny the proposed amendment is carried, said amendment shall be considered disapproved and the action of the Commission final and conclusive unless appealed, except when the matter has been referred to the Planning Agency by the Council.

14.130.170 Planning Agency's Report to the Council.

Not later than ten (10) working days after the final action by the Commission to recommend approval of an amendment or an official control, the Planning Agency shall file with the Council a report which shall set forth the motion on the amendment, the vote of said motion, together with the findings of fact, conclusions reached by the Commission and the reason for their action. Said report shall be accompanied by written or illustrative evidence considered by the Commission together with a summary of pertinent oral testimony on the amendment. The indication of approval by the Commission shall be recorded on the map and/or descriptive matter by the signature of the Chairman and Secretary of the Commission, when applicable, be forwarded with the report and shall be signed by the Chairman and Secretary of the Commission signifying approval. If the recommendation of the Commission differs from that of the Community Development Department, a copy of the Department's recommendation shall also be forwarded to the Council. A copy of that part of the Agency's report(s) containing the Commission's findings and conclusions shall be sent to the applicant of record and to other parties of record upon request.

14.130.180 Right of Appeal.

The action by the Commission on an amendment shall be considered advisory to the Council. Final and conclusive action on an amendment shall be taken only by the Council, except where the Commission has disapproved an amendment and appeal has not been taken. The action of the Commission recommending approval or disapproval of an amendment may be appealed to the Council by an aggrieved person or by the Community Development Department by filing

written notice of appeal within ten (10) working days of the date of mailing of the Commission's recommendation.

Any such appeal shall be limited to the facts in evidence before the Commission, and the appellant shall set forth the reasons upon which the appeal is based. An appeal which alleges new evidence not available to the Commission at its hearing on the matter shall be referred to the Commission for consideration of the new evidence at a public hearing, and the Council shall take no action in the matter until it receives a further report from the Agency on the Commission's further consideration of the matter. Any appeal which is filed later than the time limitation herein imposed shall not be considered valid.

14.130.190 Action by the Council Upon Receipt of Planning Agency's Report.

At the next regular meeting of the Council after receipt of the report from the Planning Agency recommending approval of an amendment or official control and where no appeal has been filed pursuant thereto, the Council shall set a date of public meeting not less than seven (7) days thereafter where final action may be taken concurring in the recommendation of the Planning Agency. At the next regular meeting of the Council after receipt of a report from the Planning Agency recommending denial of an amendment or official control, or if an appeal of the decision by the Planning Commission has been filed, or if it is deemed that further consideration is necessary, the Council shall set a date for, and after giving legal notice thereto, conduct a public hearing on the matter. At the conclusion of the public hearing or hearings, the Council may affirm, modify and affirm, or reverse the decision of the Commission or remand the matter back to the Agency for a further report.

14.130.200 Remand - Notice and Hearing Required.

Prior to taking action on any matter remanded by the Council, notice shall be given as in the first instance, and the Planning Commission shall conduct a public hearing. At the conclusion of the hearing on a remanded matter, the Planning Commission shall transmit notice sustaining the original decision or in the event of a change or modified decision, the Planning Commission shall transmit additional amended findings.

14.130.210 Action by the Council - Remanded Matters.

Upon receipt of a notice from the Planning Commission sustaining the original decision or amended findings and decision, notice shall be given in the same manner as for an appeal and the Council shall conduct a hearing and make a final decision.

14.130.220 Reversal - Council to Prepare Separate Findings.

If the action by the Council on an appeal of the decision of the Planning Commission is to reverse the Planning Commission, the Council shall prepare a written decision giving their findings of fact and conclusions insofar as they may differ from those of the Planning Commission.

14.130.230 Decision of the Council Final.

The decision by the Council on an appeal of the decision by the Planning Commission shall be final and conclusive unless appealed to a court of competent jurisdiction within thirty (30) days of the date of final action by the Council.

14.130.240 Transmittal to the Department of Ecology.

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

14.130.250 Appeals - Cost of Preparing Transcript.

Appeals from the decision of the Council to the Superior Court shall be made as provided by law but must be filed within thirty (30) days of the Council's final action. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

If a court reporter has taken and preserved the record, then the appellant shall make arrangements with said reporter for transcriptions and payment thereof. When the City staff is required to transcribe any record, the actual transcribing cost shall be determined by the City of Lakewood Finance Director and shall be paid prior to said case being reviewed.

14.130.260 Permanent Files Shall Include Summary of Testimony.

A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this Chapter, and the names of persons testifying, shall be recorded and made a part of the permanent files in the case. The proceedings shall be recorded either manually or by machine and the recording shall become a part of the permanent file of the matter being heard.

Chapter 14.134

**SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS, VARIANCES,
CONDITIONAL USES AND EXPANSION OF NONCONFORMING USE PERMITS**

Sections:

- 14.134.010 Purpose.**
- 14.134.020 Permits Required.**
- 14.134.030 Exemptions From Substantial Development Permit.**
- 14.134.040 Examiner May Grant Shoreline Substantial Development Permits, Variance Conditional Use Permits and Permits to Allow the Expansion of Nonconforming Uses.**
- 14.134.050 Initiation of a Permit.**
- 14.134.060 Applications Required.**
- 14.134.070 Pre-filing.**
- 14.134.080 Pertinency of Signatures.**
- 14.134.090 Applications a Part of Permanent Record.**
- 14.134.100 Filing Fee.**
- 14.134.110 Filing Fees - Nonrefundable.**
- 14.134.120 Multiple Fees.**
- 14.134.130 Fee Exemptions.**
- 14.134.140 Setting of Hearing.**
- 14.134.150 Public Notices Required.**
- 14.134.160 Notices - Affidavits Required.**
- 14.134.170 Investigations.**
- 14.134.180 Community Development Department Report - Transmittal.**
- 14.134.190 Public Hearing Required by the Examiner.**
- 14.134.200 Hearings May be Continued Without Recourse to Additional Public Notice.**
- 14.134.210 Examiner May Prescribe Conditions.**
- 14.134.220 Examiner's Decision and Recommendation - Findings Required.**
- 14.134.230 Reconsideration.**
- 14.134.240 Appeal of Examiner's Decision.**
- 14.134.250 Council Action on Appeals.**
- 14.134.260 Reconsideration by the Council.**
- 14.134.270 Remand - Notice and Hearing Required.**
- 14.134.280 Action by the Council - Remanded Matters.**
- 14.134.300 Permits - Filing with the Department of Ecology.**
- 14.134.310 Approved Applications - Review by the State.**
- 14.134.320 Appeals to the State.**
- 14.134.330 Time Limitations on Permits.**
- 14.134.340 Revision to Permit - Filing by Applicant.**
- 14.134.350 Revision to Permit - Decision Criteria.**
- 14.134.360 Revision to Permit - Submittal to the State.**
- 14.134.370 Revision to Permit - Notice of Appeal.**
- 14.134.380 Revocation of Permits - Hearings Required.**

- 14.134.390 Grounds for Revocation.**
- 14.134.400 Revocation of Permit - Public Notice Required.**
- 14.134.410 Revocation of Permit - Notice of Final Action.**
- 14.134.420 The Examiner Shall Hear and Decide Appeals of an Administrative Decision.**
- 14.134.430 Appeals - Time Limit.**
- 14.134.440 Appeal - Notice of Time and Place.**
- 14.134.450 Scope of Authority on Appeal.**
- 14.134.460 Appeals to the Council.**
- 14.134.470 Permanent Files Shall Include Summary of Testimony.**
- 14.134.480 Limitation on Refiling of Applications.**
- 14.134.490 Enforcement.**
- 14.134.500 Severability.**

14.134.010 Purpose.

The purpose of this Chapter is to set forth the procedures to be followed when applications are made for:

- A. Shoreline Management Substantial Development Permits;
- B. Shoreline Management Variances;
- C. Shoreline Management Conditional Use Permits;
- D. Shoreline Management Expansion of Nonconforming Use Permits;
- E. Appeals from the Decisions and Rulings of an Administrative Officer in the Administration or Enforcement of the Shoreline Management Use Regulations.

14.134.020 Permits Required.

A permit authorized by the Examiner must be obtained pursuant to the Shoreline Management Act and the City Shoreline Master Program and Regulations for the following:

- A. Substantial Development with the exception of those permit exemptions listed below in Section 14.134.030. Substantial Development Permit shall be obtained for any development or use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or mineral, 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 waters overlying lands subject to the Shoreline Management Act at any state of water level, and which development or use exceeds a cost or fair market value of \$2,500.00.
- B. Variance. Any application for a Variance to the regulations of the Master Program.
- C. Conditional Use. Any application for a use classified in the Master Program as a Conditional Use.

- D. Expansion of a Nonconforming Use. Any application for the expansion of a use subject to the Shoreline Management Act determined by the Community Development Department to be nonconforming.

14.134.030 Exemptions From Substantial Development Permit.

The following shall not require Substantial Development Permits for the purposes of the Shoreline Management Act and this Chapter:

- A. Any development of which the total cost or fair market value does not exceed \$2,500.00, if such development does not materially interfere with the normal public use of the water or shorelines of the state.
- B. Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements.
- C. Construction of the normal protective bulkhead common to single family residences.
- D. Emergency construction necessary to protect property from damage by the elements.
- E. Construction or modification of navigational aids such as channel markers and anchor buoys.
- F. Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Chapter.
- G. Construction of a dock, designed for pleasure craft only, for the private, noncommercial use of the owners, lessee, or contract purchaser of a single family residence, the cost or fair market value, whichever is lower, does not exceed \$2,500.00
- H. 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.
- I. Any project with a certification from the governor pursuant to Chapter 80.50 RCW.
- J. Those agricultural and irrigation practices specified in WAC 173-14-040.
- K. The construction of a forest road as specified in WAC 173-14-040.

14.134.040 Examiner May Grant Shoreline Substantial Development Permits, Variances, Conditional Use Permits and Permits to Allow the Expansion of Nonconforming Uses.

The Examiner may grant Shoreline Management Substantial Development Permits, Variances, Conditional Use Permits and Expansion of Nonconforming Use Permits when, in the opinion of the Examiner, the proposal is consistent with the purpose and intent of the Shoreline Master Program and Regulations, the provisions of Chapter 90.58 RCW.

14.134.050 Initiation of a Permit.

An application for a Substantial Development Permit, Variance, Conditional Use Permit, or Nonconforming Use Permit may be initiated by:

- A. The verified application of one or more owners of property which is subject to the Shoreline Management Act and these Use Regulations;
- B. A governmental agency or department having an interest in the City of Lakewood subject to the Shoreline Management Act and these regulations.

14.134.060 Application Required.

The Community Development Department shall prescribe the form in which applications are made for Shoreline Substantial Development Permits, Variances, Conditional Use Permits and Nonconforming Use Permits. It may prepare and provide forms for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements. Applications that do not meet the filing requirements of the Community Development Department shall become null and void sixty (60) days from the date the application was issued by the Department, provided, the Department, for good cause, may extend said period.

14.134.070 Pre-filing.

For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the Community Development Department may require a pre-filing conference and may request the submission of general plans or other descriptive data relative to the project. Unless determined to be exempt, an Environmental Checklist is required as a part of the pre-filing procedures.

14.134.080 Pertinency of Signatures.

If signatures of persons other than the owners making the application are offered in support of or in opposition to an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in City of Lakewood as represented by the Examiner.

14.134.090 Applications a Part of Permanent Record.

Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records of the agency to which application is made. Also, there shall be attached thereto and permanently filed therewith copies

of all notices and orders, together with certificates and affidavits of posting, mailing or publications pertaining there to.

14.134.100 Filing Fee.

A filing fee, as set forth in the City's fee Resolution, shall be paid to the Community Development Department at the time an application is filed.

14.134.110 Filing Fees - Nonrefundable.

The filing fees shall not be refunded after acceptance of a properly filed application by the Community Development Department.

14.134.120 Multiple Fees.

When any proposal requires more than one application pursuant to land use regulatory codes, the highest of the several required filing fees plus 1/2 of all other fees shall be paid.

14.134.130 Fee Exemptions.

Filing fees shall not be required when a matter has been initiated by the Council or a department or agency of City of Lakewood.

14.134.140 Setting of Hearing.

The date or dates, for public hearings on Shoreline Substantial Development Permits, Variances, Conditional Use Permits, or Permits for the Expansion of Nonconforming Uses shall be set by the Community Development Department when such hearings are to be held before the Examiner, and by the Clerk of the Council for hearings to be held before the Council. The date of hearings before the Examiner or the Council shall not be less than ten (10) days, nor more than ninety (90) days from the time of the last published notice given pursuant to WAC 173-14-070.

14.134.150 Public Notices Required.

A. Substantial Development Permits. Notice of a public hearing before the Examiner on any Shoreline Substantial Development Permit shall be given in accordance with the following provisions or the provisions of WAC 173-14-070 as may be hereafter amended.

1. **POSTING REQUIREMENTS.** After acceptance of a Substantial Development Permit, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right-of-way, as determined by the Community Development Department. Notice will be posted on a 3 foot by 4 foot waterproof sign. The sign shall be made of corrugated plastic to specifications provided by the City of Lakewood. If desired, a sign may be purchased from the City of Lakewood at a cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting road. When more than one road abuts the property, the sign(s) shall be easily visible from the road having the greatest traffic volume as determined by the Community Development Department. When a proposal is within an existing subdivision, planned development district or planned unit

development, an additional sign shall be posted at each major roadway entrance to the development as determined by the Community Development Department. When the sign(s) is posted, the applicant shall complete and return a notarized affidavit of posting to the Community Development Department. The sign(s) shall be erected and maintained by the applicant for a minimum of thirty (30) days prior to the public hearing and until a decision is rendered on the application or appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision by the Hearing Examiner or City Council.

2. Upon receipt of a proper application for a Shoreline Management Substantial Development Permit, the applicant shall cause to have published at his own expense, notice of said application. Notice shall be published at least once a week in a newspaper of general circulation within the area in which the development is proposed; provided, that the last notice must be published not less than thirty (30) days prior to the scheduled hearing date before the Examiner. Required Wording of Notice. Published notice of a Shoreline Substantial Development Permit application as required by this Chapter and Chapter 173-14-070 WAC shall be worded consistent with the following. The Community Development Department shall provide forms for this purpose.

**Notice of Application For
Shoreline Management
Substantial Development Permit**

Notice is hereby given that (state full name), who is (describe relationship to property, such as owner, purchaser, lessee, etc.) of the below-described property has filed an application for a Substantial Development Permit for the development of (describe development, including uses) located at (give street address, if known, otherwise give distance and direction to nearest town) within (quarter section) of Section (section) of Township (township) N., Range (range) W.M., in city or town, (City), Washington. Said development is proposed to be within (name of water area) and/or its associated wetlands. Any person desiring to express his views or to be notified of the action taken on this application should notify (name of local government official) in writing of his interest within thirty (30) days of the final date of publication of this notice which is (date).

Written comments must be received by (date).

The applicant shall verify by affidavit to the Community Development Department that additional notice of such application is given by at least one of the following methods:

- a. Mailing of the notice to the latest recorded real property owners as shown by the records of the County Assessor-Treasurer within at least three hundred (300) feet, but not less than two (2) parcels deep, around the perimeter of the subject site plan area (and beyond the applicant's ownership); or
 - b. Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.
- B. Variance, Conditional Uses, and Expansion of Nonconforming Uses. Upon receipt of a proper application for a Variance, Conditional Use or Expansion of a Nonconforming Use Permit, when a Substantial Development Permit is not required, the Community Development Department shall, as a minimum, require posting notification as described in Section 14.134.150 A. and notice of the application by at least one (1) additional method defined above in Section 14.134.150 A.

14.134.160 Notices - Affidavits Required.

An affidavit that the notice has been properly published, and/or as applicable, posted in the U.S. Mail pursuant to this Section shall be affixed to the application

14.134.170 Investigations.

The Community Development Department or the Examiner, as the case may be, shall cause to be made such investigation of facts bearing upon a matter set for hearing as will assure action on each case consistent with the purpose of this Code and previous action taken.

14.134.180 Community Development Department Report - Transmittal.

The Community Development Department shall prepare a written report on each application pending before the Examiner which shall contain the factual findings by the department having a bearing on the application and the department's recommendation, if such is to be made. The report shall also include the comments by other departments. The Environmental Checklist together with the determination of no significant impact or a Final Environmental Impact Statement shall also be forwarded to the Examiner. Not less than five (5) working days prior to the date of public hearing on an application, the Community Development Department Staff Report shall be transmitted to the Examiner and the applicant. Copies of the Staff Report shall be made available in the Chambers on the date of public hearing.

14.134.190 Public Hearing Required by the Examiner.

Whenever a Substantial Development Permit, Variance, Conditional Use Permit or Expansion of a Nonconforming Use Permit is proposed, at least one (1) public hearing on the matter shall be held by the Examiner at the conclusion of which final action may be taken.

14.134.200 Hearings May be Continued Without Recourse to Additional Public Notice.

If, for any reason, the hearing on any matter set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may direct that the hearing on the matter be continued. If the date, time and place at which the continued hearing will be held is publicly announced at the hearing from which the continuance is made, then no further notice of the continued hearing is required.

14.134.210 Examiner May Prescribe Conditions.

When deemed necessary, the Examiner may impose conditions upon the approval of a Substantial Development Permit, Variance, Conditional Use Permit, or Expansion of a Nonconforming Use Permit.

14.134.220 Examiner's Decision and Recommendation - Findings Required.

When the Examiner renders a decision, the Examiner shall make and enter findings from the record and conclusions thereof which support such decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation carries out and helps to implement the goals and policies of the Shoreline Master Program and the standards set forth in the various land use regulatory codes.

All decisions of the Examiner, unless a longer period is mutually agreed to by the applicant and the Examiner, shall be rendered within ten (10) working days following the conclusion of all testimony and hearings. Upon issuance of the Examiner's decision, the Community Development Department shall transmit by certified mail a copy of the decision to the applicant by regular mail to other parties of record requesting the same.

The Examiner's decision is final and conclusive but is subject to appeal to the Council as set forth herein. Said decision, if not appealed, is forwarded to the Department of Ecology pursuant to Chapter 90.58 RCW.

14.134.230 Reconsideration.

Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors or misinterpretation of fact may make a written request for review by the Examiner filed with the Community Development Department within seven (7) working days of the date of the written decision. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision. Only one request for reconsideration may be filed by any one person or party even if the Examiner reverses or modifies his original decision or changes the language in the decision originally rendered.

14.134.240 Appeal of Examiner's Decision.

The final action by the Examiner on any land use matter within his jurisdiction may be appealed to the Council by an aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:

- A. The appellant must file written notice of appeal with the Community Development Department and pay the appeal fee within ten (10) working days of the date of mailing of the Examiner's final written decision; provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within ten (10) working days of the mailing of the Examiner's final written order or decision on the reconsideration request.
- B. The notice of appeal shall concisely specify each error and/or issue which the Council is asked to consider on appeal.
- C. Upon the filing of an appeal, the Community Development Department shall forward to the Council the original tape containing the verbatim record of the proceedings before the Examiner. An appeal shall stay the effective date of the Examiner's decision until final resolution has been made by the Council.

14.134.250 Council Action on Appeals.

- A. General. For Examiner decisions which an appeal is properly filed, the Community Development Department shall forthwith forward three copies of the Examiner's decision plus a copy of the official file and the recorded record, to the Clerk of the Council. The Clerk of the Council shall schedule a public meeting date for the Council on the appealed matter.
- B. Public Notice on Appeals. The Clerk of the Council shall cause written notice to be mailed to all "parties of record" and the Examiner, to appraise them of the meeting date before the Council. Parties of record are those persons who have:
 - 1. Testified before the Examiner, or
 - 2. Listed their names on a sign up sheet which is available during the Examiner's hearings, or

3. Advised the Community Development Department in writing of their desire to be a party of record.
- C. Council Action on Appeals. Whenever a decision by the Examiner is reviewed by the Council pursuant to this Section, the appellant or other parties of record may submit written memoranda in support of their positions. The Council shall allow the appellant(s) or their representatives no more than (10) minutes of oral presentation. No new evidence or testimony shall be presented to the Council during the oral presentation. The Council may view the site either individually or together, provided that unless all parties of record are given reasonable notice of the time of the view, no one other than City staff can accompany the Council members during the view.
- D. Council Decision on Appeal.
1. The Council's decision on any appeal from the Examiner shall be based on the record of the hearing held by the Examiner. The Council may not accept or consider any additional factual information or testimony.
 2. The Council shall consider whether each of the findings of fact entered by the Examiner are supported by substantial evidence in the record. The Council may adopt any finding which is supported by substantial evidence in the record and may reverse any finding which is not so supported. Beyond this, the Council may not enter its own findings of fact.
 3. The Council shall consider issue of law de novo in making its decision.
 4. The Council may affirm or reverse the decision of the Examiner or remand the matter to the Examiner for further consideration. Any decision by the Council shall be supported by adequate findings of fact based on the record and by conclusions of law.
- E. Council Action is Final. The action of the Council, approving or rejecting a decision of the Examiner, is final and conclusive City action, PROVIDED, HOWEVER, appeals from the Council decisions on Shoreline Permits shall be taken to the Shoreline Hearings Board pursuant to the provisions of Chapter 90.58 RCW.

14.134.260 Reconsideration by the Council.

Any aggrieved party or person affected by the action may, within seven (7) working days of the Council's oral decision, file with the Clerk of the Council a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:

- A. Errors of procedure or law or misinterpretation of fact, material to the party seeking the request for reconsideration.
- B. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing.
- C. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.

Upon receipt of a request for reconsideration, the Council shall review said request and take such further action as the Council deems proper, including, but not limited to, the right to deny said request for reconsideration without a hearing, or the right to rehear and render a revised decision on the matter if deemed appropriate by the Council. Only one request for reconsideration may be filed by any one person or party, even if the Council reverses or modifies its original decision or changes the language in the decision originally rendered.

In the event that a request for reconsideration is filed with the Council, the thirty (30) day appeal period to Superior Court as set forth in this Title shall be deemed to commence on the date of the Council's final action relative to the request for reconsideration.

14.134.270 Remand - Notice and Hearing Required.

Prior to taking action on any matter remanded by the Council, notice shall be given as in the first instance, and the Examiner shall conduct a public hearing. At the conclusion of the hearing on a remanded matter, the Examiner shall transmit notice sustaining the original decision or in the event of a changed or modified decision, the Examiner shall transmit additional amended findings.

14.134.280 Action by the Council - Remanded Matters.

Upon receipt of a notice from the Examiner sustaining the original decision or amended findings and decision, notice shall be given in the same manner as for an appeal and the Council shall conduct a hearing and make a final decision.

14.134.300 Permits - Filing With the Department of Ecology.

Copies of the original application and other pertinent materials used in the final decision pursuant to either the Shoreline Management Act or the State Environmental Procedures Act, the permit, and any other written evidence of the final order of the City of Lakewood relative to the application, whether it be for approval or denial, shall be filed with the Department of Ecology and Attorney General within eight (8) days of the final decision. Filing shall not be complete

until the final order has actually been received by the Regional Office of the Department of Ecology, and by the Attorney General.

14.134.310 Approved Applications - Review by the State.

No person shall begin development pursuant to an approved permit on any part of the shoreline of the City until thirty (30) days after the approved permit has been filed with the Department of Ecology and Attorney General or until all review proceedings initiated within such thirty (30) day period are terminated. Nothing in the approved permit shall be construed as excusing the applicant from compliance with any other local, State or Federal statutes, resolutions, or regulations applicable to the proposed development.

14.134.320 Appeals to the State.

Any person aggrieved by the granting, denying or rescinding of a Shoreline Substantial Development Permit, Variance, or Expansion of a Nonconforming Use Permit by the City Council may seek review by filing a request for review with the Shoreline Hearings Board, the Department of Ecology and the Attorney General within thirty (30) days of receipt of the final order, pursuant to RCW 90.58.180. A person who fails to appeal the Examiner's decision to the City Council is precluded from appealing to the Shoreline Hearings Board.

14.134.330 Time Limitations on Permits.

The following time requirements shall apply to all Substantial Development Permits, Conditional Uses and Variances, and Expansion of Nonconforming Use Permits:

- A. Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the Act must be undertaken within two (2) years after the approval of the permit. This includes substantial making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the criteria set forth in WAC 173-14-100. Provided, that in determining the running of the two (2) year period hereof, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided further, that local government may, at its discretion extend the two (2) year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

- B. If a project for which a permit has been granted pursuant to the Act has not been completed within five (5) years after the approval of the permit by local government, the local government that granted the permit shall, at the expiration of the five (5) year period, review the permit, and upon a showing of good cause, do either of the following:
 - 1. Extend the permit for one (1) year; or
 - 2. Terminate the permit; provided that nothing herein shall preclude local government from issuing Substantial Development Permits with a fixed termination date of less than five (5) years.

14.134.340 Revision to Permit - Filing by Applicant.

When an applicant seeks to revise any permit issued pursuant to this Chapter, the Community Development Department shall request from the applicant detailed plans and text describing the proposed changes in the permit.

14.134.350 Revision to Permit - Decision Criteria.

If the Community Development Department determines that the proposed changes are within the scope and intent of the original application as defined in Section 173-14-064 WAC, the Department shall approve a change. The Community Development Department shall notify the applicant by mail of its decision.

14.134.360 Revision to Permit - Submittal to the State.

The approved revision along with copies of the revised site plan and text, shall be submitted, by certified mail, to the appropriate Department of Ecology Regional Office, and Attorney General.

14.134.370 Revision to Permit - Notice of Appeal.

The approved revision along with copies of the revised site plan and text, shall also be submitted by certified mail to persons who have previously notified the City of Lakewood relative to the original application pursuant to WAC 173-14-070. The copy of the approved revision shall include notice that appeal may be filed within fifteen (15) days from the date of certified mailing, and shall be in accordance with RCW 90.58.180, and shall further advise that the party seeking review shall have the burden of proving the revision granted was not within the scope and intent of the original permit.

14.134.380 Revocation of Permits - Hearings Required.

Any permit may, after a public hearing by the Examiner, be rescinded by the City of Lakewood.

14.134.390 Grounds for Revocation.

Any permit may, after a public hearing by the Examiner, be rescinded if it is found that any one (1) or more of the following conditions exists:

- A. That the approval was obtained by fraud;
- B. That the use for which such approval was granted is not being exercised;
- C. That the use for which such approval was granted has ceased to exist or has been suspended for one (1) year or more;
- D. That the permit or variance granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any Statute, Resolution, Code, Law, or Regulation;
- E. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

14.134.400 Revocation of Permit - Public Notice Required.

Prior to a public hearing by the Examiner on the revocation of a permit, the Community Development Department shall publish notice of the time, place, and matter to be considered in a newspaper of general circulation in the City, at least ten (10) days prior to the date of public hearing. In addition thereto, the Community Development Department shall mail public notice to the applicant and to all persons who received public notice of the original permit application. Said notice shall include the location, date and particulars of the hearing.

14.134.410 Revocation of Permit - Notice of Final Action.

All persons who have previously submitted their views in writing on the original permit application to the Community Development Department, shall be notified within fourteen (14) days of the action taken to revoke the permit.

14.134.420 The Examiner Shall Hear and Decide Appeals of an Administrative Decision.

The Examiner shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this Chapter.

14.134.430 Appeals - Time Limit.

Appeals may be taken to the Examiner by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of an administrative official in the administration or enforcement of this Code. Such appeals shall be filed in writing in duplicate with the Community Development Department within twenty (20) days of the date of the action being appealed.

14.134.440 Appeal - Notice of Time and Place.

Upon the filing of an appeal with the Community Development Department, the matter shall be set for consideration, and notice given as follows:

On appeals from administrative decisions, written notices of the time and place of the public hearing at which the matter will be considered by the Examiner shall be mailed to the appellant, to the adverse parties of record in the case and to the officer whose decision is being appealed, together with a copy of the written appeal. Such notice shall be mailed not less than ten (10) days prior to the date of the meeting.

Upon receiving notice of the appeal, the officer from whom the appeal is being taken shall forthwith transmit to the Examiner all of the records pertinent to the decision being appealed from, together with such additional written report as he deems pertinent.

14.134.450 Scope of Authority on Appeal.

The Examiner may, in conformity with this Chapter, reverse or affirm, wholly or in part or may modify the order, requirement, decision, or determination appealed from and may take such order, requirement, decision, or determination as should be made and, to that end, shall have all powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned, and in making its determination the Examiner may hear any pertinent facts bearing on the case.

14.134.460 Appeals to the Council.

The decision of the Examiner on an appeal of an administrative decision may be further appealed to the Council in the same manner as are appeals of Substantial Development Permits, Variances, etc.

14.134.470 Permanent Files Shall Include Summary of Testimony.

A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this Chapter, and the names of persons testifying, shall be recorded and made a part of the permanent files in the case. The proceedings shall be recorded either manually or by machine and the recording shall become a part of the permanent file of the matter being heard.

14.134.480 Limitation on Refiling of Applications.

No application for a Substantial Development Permit, Variance, Conditional Use Permit or Expansion of a Nonconforming Use Permit shall be accepted for filing by the Planning Director within one (1) year following final action in denying an application for a similar permit or approval for the same property. In determining whether an application for a permit or approval is similar to the permit which was denied, the Director shall be guided by the following standards:

An application for a permit shall be deemed similar if the proposed Substantial Development Permit, Variance, Conditional Use Permit, or Expansion of a Nonconforming Use Permit will permit uses, building or project locations or the relaxation of bulk requirements which are the same or substantially the same as those considered and disallowed by the earlier final action.

In every instance, the burden of proving dissimilarity to the Director's satisfaction shall be upon the applicant.

14.134.490 Enforcement.

Enforcement Orders by City of Lakewood or Department of Ecology:

- A. City of Lakewood and the Department of Ecology shall have the authority to serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:
 1. The development constitutes an integral part of substantial development being undertaken, or about to be undertaken, on the shoreline of the State in the absence of a Substantial Development Permit, or
 2. The development being undertaken, although an integral part of a project approved by an existing, valid Substantial Development Permit is outside the scope and intent of said permit, or
 3. The development being undertaken on the shoreline of the State is in violation of RCW 90.58.020, and the City of Lakewood Master Program.
- B. The regulatory order shall set forth or contain:
 1. The specific nature, extent and time of violation, and the damage or potential damage;

2. An order that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time; and
 3. The right of the person to whom the order is directed to a hearing before the Shoreline Hearings Board.
- C. A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed and shall become final unless review is requested pursuant to WAC 173-14-210.
- D. Hearings on Regulatory Orders.
1. The person to whom the order is directed may request review to the Shoreline Hearings Board within thirty (30) days after being served. The requirements of RCW 90.58.180(1) and Chapter 461-08 WAC shall apply to all said requests for review, provided, however, that there shall be no requirement for such requests to be filed with and certified by the Department of Ecology and the Attorney General.
 2. All hearings held pursuant to this provision and judicial review thereof shall be in accordance with the rules establishing the Shorelines Hearings Board contained in Chapter 90.58 RCW and to Chapter 461-08 WAC.
- E. Civil Infractions.
In addition to any other sanction or penalty, or any remedial or administrative procedure available under the City of Lakewood Code or state law, violation of any provision of this Chapter or failure to comply with any permit or other written order or decision issued pursuant to this Chapter constitutes a Class 1 civil infraction as defined in the City's enforcement ordinance.
- F. Penalty.
Any person, firm, corporation or association of any agent thereof who violates any provision of this Title and Master Program, adopted pursuant to State law, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to not more than a \$250.00 fine and/or ninety (90) days in the Pierce County Jail.

14.134.500 Severability.

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