City of Kent

Shoreline Master Program

Amended July 2019

MAKERS architecture
The Watershed Company

City of Kent
Ordinance No.4328
Grant No. 00047

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ORDINANCE NO. 4328

AN ORDINANCE of the City Council of the City of Kent, Washington, adopting amendments to the Shoreline Master Program to be approved by the Department of Ecology.

RECITALS

A. The Washington State Legislature has mandated that the City of Kent periodically review its Shoreline Master Program (SMP) and update it as necessary pursuant to the Shoreline Management Act, Chapter 90.58 RCW, and the Shoreline Master Program Guidelines, WAC 173-26.

B. The Shoreline Management Act is a cooperative program between local governments and the state, and is administered by the Department of Ecology, which must review and approve all SMPs. Shoreline Master Programs govern properties 200 feet landward of each shoreline's ordinary high water mark and are intended to balance use and protection of shorelines. Shorelines consist of lakes greater than 20 acres in size as well as streams and rivers with flows greater than 20 cubic feet per second.

C. The Growth Management Act in RCW 36.70A.480 provides that the goals and policies of a local SMP shall be considered an element

of a local government's comprehensive plan. This update to the SMP will be integrated with the City's comprehensive plan during the City's annual docket cycle later this year.

D. The SMP update has consisted of a joint review process with the Department of Ecology pursuant to WAC 173-26-104. The process has involved early and extensive public participation, including an online public survey and a public open house, held November 5, 2018. The process also involved outreach to and consultation with other agencies, tribes, and other interested groups. A joint public comment period was also held with the Department of Ecology from February 22, 2019 through March 25, 2019. The City received four comments, all from the Muckleshoot Indian Tribe, and provided responses which were subsequently included in the final submission to the Department of Ecology.

E. On June 25, 2019, the Department of Ecology determined through written concurrence that the City's proposed amendments are consistent with applicable laws and rules, subject to and including Ecology's required and recommended changes, itemized in Ecology's Initial Determination letter.

F. The City's State Environmental Policy Act (SEPA) responsible official issued a Determination of Nonsignificance on February 22, 2019 for this update to the SMP.

G. The City notified the Washington State Department of Commerce of the proposed amendments, per RCW 36.70A.106, on March 21, 2019. No comments were received from the Department of Commerce.

H. After a joint public hearing with Ecology, on March 25, 2019, the Land Use and Planning Board recommended adoption of the updates. The Economic and Community Development Committee recommended adoption of the amendments on July 8, 2019.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. – *Adopt*. The City hereby approves and adopts the updated Shoreline Master Program as set forth in **Exhibit "A"** attached and incorporated by this reference.

SECTION 2. - *Severability*. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3.– *Corrections by City Clerk or Code Reviser*. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

SECTION 4. - *Effective Date*. The effective date of the approved Shoreline Master Program is dependent on approval by the Washington State Department of Ecology per WAC 173-26-120(7), but shall in no event be sooner than thirty (30) days from and after the date of passage

of this ordinance, as provided by law.

DANA RALPH, MAYOR

July 16, 2019
Date Approved

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

July 16, 2019
Date Adopted

July 19, 2019
Date Published

APPROVED AS TO FORM:

TAMMY WHITE, DEPUTY CITY ATTORNEY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 30, 2019

The Honorable Dana Ralph
City of Kent
220 Fourth Avenue S
Kent, WA 98032

Re: Final Ecology Approval of the City of Kent Shoreline Master Program Periodic Review Amendment

Dear Mayor Ralph:

The Department of Ecology (Ecology) is pleased to announce final approval of the City of Kent's (City) Shoreline Master Program (SMP) periodic review amendment. Ecology finds the City's program amendment consistent with the policy and procedural requirements of the Shoreline Management Act (RCW 90.58) and its implementing rules.

Ecology approves the City's SMP amendment as submitted.

The enclosed Attachment A, Findings and Conclusions document, provides more information about our decision. This is Ecology's final action and there will be no further modifications to the proposal.

The amendments adopted by this action conclude the City's periodic review under RCW 90.58.080(4). Ecology's approval affirms the amendments are consistent with the applicable provisions of the SMA and its implementing rules, including periodic review requirements of WAC 173-26-090.

The amended SMP is effective 14 days from the date of this letter. This time period was established by the state legislature and is intended to provide lead time for the City to prepare to implement the amended SMP.

Ecology is required to publish a newspaper notice that the City's SMP has received final approval. The publication of this notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal ad to the City for its records.

If you have any questions, please contact our SMA Policy Lead, Misty Blair, at (425) 649-4309 or Misty.Blair@ecy.wa.gov.

Sincerely,

Maia D. Bellon
Director

Enclosure

By Certified Mail [9489 0090 0027 6081 4496 42]

cc: Danielle Butsick, City of Kent
Erin George, City of Kent
Misty Blair, Ecology
Joe Burcar, Ecology

Grant No. SEASMP-1719-KentPW-00047
Ordinance No. 4328

Kent Shoreline Master Program

July 16, 2019

Prepared by:

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This report was funded in part through a grant from the Washington Department of Ecology.

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CHAPTER 1

Introduction to the SMP

A. History of the SMA

In 1969, the Washington State Supreme Court decided in the case of *Wilbur v. Gallagher* (77 Wn.2d 302), commonly known as the "Lake Chelan Case," that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of this decision were significant in that developers, environmentalists, and other interested parties began to recognize—although probably for different reasons—the need for a comprehensive planning and regulatory program for shorelines.

Wilbur v. Gallagher was a case primarily involving property rights. It was decided at a time of heightened environmental awareness. At the same time, Congress was considering environmental legislation and subsequently passed a number of laws relating to protection of the environment including the National Environmental Policy Act (1969) and the Coastal Zone Management Act (1972). "Earth Day" and the concept of "spaceship earth" were part of the American scene. "Conservationists" had become "environmentalists" and some had even gone so far as to call themselves "ecologists." Whatever the name or concept, concern for fragile ecological areas became important, along with the rights associated with property ownership.

Voters of the state, seeing the failure of the Seacoast Management Bill in the state legislature, validated an initiative petition commonly titled the "Shoreline Protection Act." The state legislature, choosing between adoption of the people's initiative petition or its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA) effective June 1, 1971, which contained the provision for both statutes to be deferred to the electorate in the November 1972 election. The election issue required that voters respond to two questions: (1) Did they favor shoreline management? and (2) Which alternative management program did they prefer? Most Washington voters favored both shoreline management and the legislature's alternative (providing greater local control), by an approximately 2-to-1 margin. It is important to keep in mind that the SMA was a response to a people's initiative and was ratified by the voters, giving the SMA a populist foundation as well as an environmental justification.

The SMA's paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or that offer opportunities for the public to enjoy the state's shorelines. With this clear mandate, the SMA established a planning and regulatory program to be initiated at the local level under State guidance.

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via shoreline master programs) and regulate (via permits) shoreline development within SMA jurisdiction. (See "Geographic Applications of the SMA" below.) Local government actions are monitored by the Washington Department of Ecology (Ecology), which approves new or amended shoreline master programs (SMPs), reviews substantial development permits, and approves Conditional Use permits and variances.

After the SMA's passage in 1971, Ecology adopted Chapter 173-18 WAC to serve as a standard for the implementation of the SMA and to provide direction to local governments and Ecology in preparing SMPs. Two hundred forty-seven cities and counties have prepared SMPs based on that WAC chapter. Over the years, local governments, with the help of Ecology, developed a set of practices and methodologies, the best of which were collected and described in the 1994 *Shoreline Management Guidebook*.

In 1995, the state legislature passed Engrossed Substitute House Bill 1724, which included several RCW amendments to better integrate the Growth Management Act (GMA), the Shoreline Management Act, and the State Environmental Policy Act (SEPA). The bill also directed Ecology to review and update the state SMA guidelines every five years. In response, Ecology undertook a primarily in-house process to prepare a new WAC chapter (also referred to in this *SMP* as the "Guidelines"). After meeting with a series of advisory committees and producing a number of informal drafts, Ecology formally proposed a new WAC rule for the SMA in April 1999. Subsequently, in 2003, the Legislature further clarified the integration of the SMA and GMA.

The rule was appealed and then-Governor Gary Locke and former Attorney General Christine Gregoire cosponsored a year-long mediation effort in 2002 that culminated in a third draft, which was issued for public comment in July 2002. That proposal had the endorsement of the Association of Washington Business, the Washington Aggregates & Concrete Association, the Washington Environmental Council (WEC) and other environmental organizations – all of whom were parties to the lawsuit.

Ecology received about 300 comments on the version proposed in 2003. Seventeen changes were made in response to those comments, to clarify language and to delete obsolete or duplicative references. The final version was adopted December 17, 2003.

The City's Shoreline Master Program was most recently comprehensively amended in 2008. Areas of the shoreline were designated as "Natural Wetlands (N-W)", "High-Intensity (H-I)", "Urban Conservancy – Open Space (UC-OS)", "Shoreline Residential (SR)", and "Aquatic".

B. Implementation of the SMA

RCW 90.58.020 clearly states how the Shoreline Management Act shall be implemented in the following statement:

“The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

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

(4) Protect the resources and ecology of the shoreline;

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

(6) Increase recreational opportunities for the public in the shoreline;

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

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or

dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

C. Geographic Applications of the SMA

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

> "those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its SMP as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its SMP land necessary for buffers for critical areas (RCW 90.58.030)"

In addition, rivers with a mean annual cfs of 1,000 or more are considered shorelines of statewide significance.

The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands.

The City's shoreline boundaries have been updated concurrent with this assessment. Several changes have been made to the maps based on new information regarding associated wetlands and waterbody size (area and flow). Lake Fenwick, the Green River Natural Resources Area (GRNRA) pond, Springbrook Creek, Jenkins Creek, and the Mill Creek Auburn floodway are new additions to shoreline jurisdiction. During the review of aerial photographs, GIS mapping, and a field visit, it was determined that Lake Fenwick is larger than 20 acres (just over 23). GIS mapping also shows that the combined area of the two primary GRNRA cells is slightly more than 50 acres. As part of the shoreline jurisdiction assessment, Springbrook Creek, Big Soos Creek and Jenkins Creek were reviewed. Recent USGS mapping of the 20 cfs cut-off points and USGS field notes identified small areas of Springbrook and Jenkins Creeks that meet shoreline criteria. The extent of Big Soos Creek shoreline jurisdiction did not change appreciably. While Mill Creek in Auburn does not reach 20 cfs, it is located within the Green River's floodway and is therefore located within shoreline jurisdiction.

The approximate shoreline jurisdiction in Kent is identified in Figure 1. Not all wetlands are shown on this map, however. Chapter 2 Section C.1 generally designates associated wetlands, including those within the 100-year floodplain, as the Natural-Wetlands Environment. The City of Kent Wetland Inventory Maps identifies all wetlands in the City and the 100-year floodplain is identified on the Flood Hazard Areas map in the Shoreline Inventory and Analysis Report.

1. Applicable Area

The City of Kent is located in south King County. The City is surrounded by seven incorporated cities (Des Moines, Auburn, SeaTac, Tukwila, Federal Way, Renton and Covington), with pockets of unincorporated King County to the east and south. Interstate 5 (I-5) and State Route (SR) 167 pass through the City from north to south at the western and central portions of the City.

The applicable area for this shoreline master program includes all land currently within the City's shoreline jurisdiction, as well as minimal treatment of shorelines in the PAA currently regulated under King County's SMP.

The City's shoreline jurisdiction currently includes all or portions of the following waters:

- Green River
- Green River Natural Resources Area
- Lake Fenwick
- Lake Meridian
- Panther Lake
- Big Soos Creek
- Jenkins Creek
- Springbrook Creek

The City's PAA includes the south half of Lake Fenwick and portions of the Green River at the south end of the City. The PAA shoreline area, although minimally discussed in this report, will continue to be regulated by King County's recently updated SMP until they are annexed by the City of Kent.

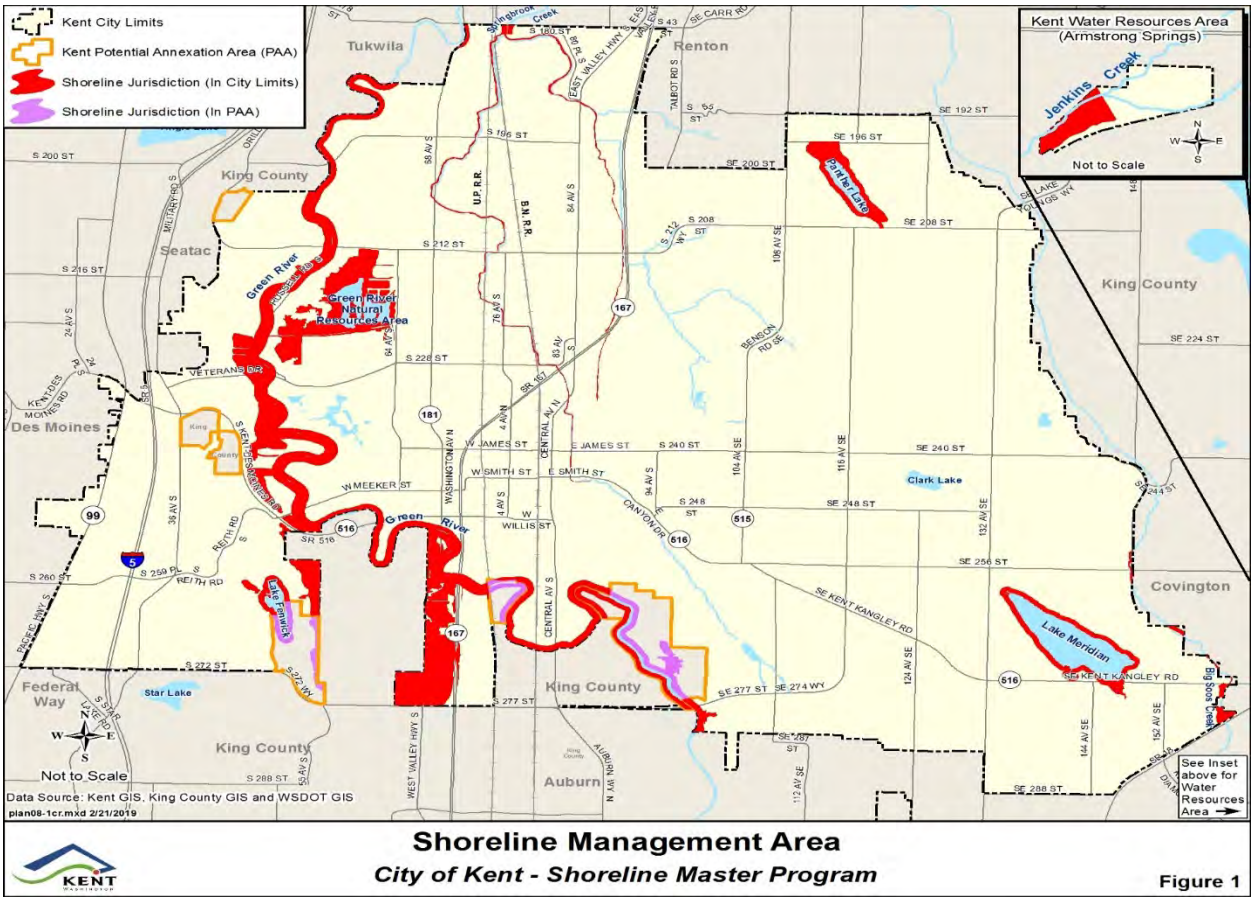


Figure 1. Shoreline Management Act jurisdiction in the City of Kent.

D. How the Shoreline Master Program is Used

The City of Kent Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

In order to preserve and enhance the shorelines of the City of Kent, it is important that all development proposals relating to the shoreline are evaluated in terms of the City's Shoreline Master Program, and the City Shoreline Administrator is consulted. The Shoreline Administrator for the City of Kent is the Planning Director or his/her designee.

The Shoreline Management Act (SMA) defines for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Pursuant to the Guidelines, shorelines of the state that meet the criteria established in WAC 173-26-211 are given a shoreline environment designation. The purpose of the shoreline designation system is to ensure that land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and that consideration is given to the special requirements of that environment.

The Kent Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. This breadth is intended to ensure that the Kent shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, displace "preferred uses" as identified in Chapter 90.58 RCW, or cause the degradation of shoreline aesthetic values. The Kent Shoreline Master Program provides the regulatory parameters within which development may occur. In addition, it identifies those uses deemed unacceptable within Kent shoreline jurisdiction, as well as those uses which may be considered through a discretionary permit such as a Conditional Use Permit or Shoreline Variance.

1. When Is a Permit Required?

A Shoreline Substantial Development Permit (SSDP) is required when a development or activity meets the definition of "substantial development" contained within Chapter 6 of this SMP. Substantial development is discussed in more detail in Section 7.B of this SMP. A development or activity is exempt if it meets the criteria listed in WAC 173-27-040. Some development may require a Shoreline Conditional Use Permit, if listed as such in the Use Tables contained in Section 5.B of this SMP; or a Shoreline Variance. Shoreline Conditional Use Permits and Shoreline Variances are discussed in more detail in Sections 7 C and D, respectively. However, **ALL** new development, uses, and activities must comply with the policies and regulations set forth in the City of Kent Shoreline Master Program, including those developments, uses, and activities that are exempt from permits. Review under the State Environmental Policy Act (SEPA) may also be required.

"Development" is defined in WAC 173-27-030(6). "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

This definition indicates that the "development" regulated by the Shoreline Management Act includes not only those activities that most people recognize as "development," but also those activities that citizens may do around their own home. While the impact of these potential "developments" may seem inconsequential at first, they may have unwanted and damaging affects on the river ecology, the property of others, and the shoreline aesthetics.

Projects that are identified as "developments," but not "substantial developments," do not require a shoreline Substantial Development Permit; however, they must still comply with all applicable regulations in the City's Shoreline Master Program, including Critical Areas Regulations. In addition, some developments may require a Shoreline Conditional Use Permit or Shoreline Variance from the Shoreline Master Program's provisions, although they do not meet the definition of "substantial development."

"Substantial development" is any development which meets the criteria of RCW 90.58.030(3)(e). Under the Shoreline Management Act, some types of development are exempt from the requirement to apply for and receive a permit before beginning work per RCW 90.58.030(3)(e). This may include development for which the total cost or fair market value does not exceed a periodically adjusted dollar threshold (WAC 173-27-040(2)(a)). City staff can assist you with determining the most recent dollar threshold.

2. The Permit Process

The City's Shoreline Administrator can help determine if a project is classified as a substantial development, determine if a permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Administrator can also provide information on the permit application process and how the SMP process relates to, and can coordinate with, the State Environmental Policy Act (SEPA) process.

3. The Shoreline Permit

There are three types of permits: the Substantial Development Permit, the Shoreline Conditional Use Permit, and the Shoreline Variance. All of these permits use the same application form; however, they are processed slightly differently and have different criteria for approval. Shoreline Exemptions require City review to determine whether the proposal is indeed exempt from shoreline permits, and whether the proposal meets the policies and regulations of the Shoreline Master Program. Requests for Shoreline Exemption are made on a separate application form.

Requests for a Shoreline Substantial Development Permit are reviewed by the Shoreline Administrator. Requests for a Shoreline Variance or Shoreline Conditional Use Permit require review by the City of Kent Hearing Examiner (per Section 12.01.040 KCC, as amended). There may be instances where a Shoreline Conditional Use Permit or Shoreline Variance may be approved without the need for a Substantial Development Permit. The Hearing Examiner will hold a public hearing on the proposal and approve, approve with conditions, or deny the application. The Hearing Examiner's decision is final, unless an appeal is filed pursuant to the procedures described in Section 7.B.3. Requests for Shoreline Conditional Use Permits and Shoreline Variances require final approval by DOE.

A map of the shoreline jurisdiction is presented in Appendix A and descriptions of the various shoreline designations are presented in Chapter 2 of this SMP.

4. Relationship of this Shoreline Master Program to Other Plans

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Kent Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Kent Comprehensive Plan and the City's Critical Areas Regulations (Section 11.06 KCC). The Kent SMP must also be mutually consistent with the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as building construction and safety requirements.

Submitting an application for a shoreline development, use, or activity does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use.

CHAPTER 2

Environment Designation Provisions

A. Introduction

The Shoreline Management Act (Chapter 90.58 RCW) and Shoreline Guidelines (Chapter 173-26 WAC) provide for shoreline environment designations to serve as a tool for applying and tailoring the general policies of the SMA to local shorelines. Shoreline environment designations provide a means of adapting broad policies to shoreline sub-units while recognizing different conditions and valuable shoreline resources, and a way to integrate comprehensive planning into SMP regulations. In accordance with WAC 173-26-211, the following shoreline environment designation provisions apply; including purpose, designation criteria, and management policies. Where there is a contradiction between the matrices and another SMP text provision, the text provision shall apply.

All areas not specifically assigned a shoreline environment designation shall be designated “Urban Conservancy - Low Intensity” (UC-LI).

B. Shoreline Environment Designation Maps

The Shoreline Environment Designation Maps can be found in Appendix A. Pursuant to RCW 90.58.040, the maps illustrate the shoreline environment designations that apply to all shorelines of the state within the City of Kent’s jurisdiction. The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands. The maps should be used in conjunction with the Environment Designation tables in Section C below. In the event of a mapping error, the City will rely upon the criteria in Section C below.

C. Policies and Regulations

1. "Natural-Wetlands" (N-W) Environment

a. Purpose

The purpose of the "Natural-Wetlands" environment is to protect and restore all wetlands associated with shoreline areas by applying the City of Kent Critical Areas Regulations. These systems require development restrictions to maintain the ecological functions and ecosystem-wide processes.

b. Designation Criteria

A "Natural-Wetlands" environment designation will be assigned to all wetlands in shoreline jurisdiction except for those wetlands within the Green River Natural Resources Area, which are designated “Urban Conservancy-Open Space.”

c. Management Policies

Uses

1. Any use that would substantially degrade the ecological functions or natural character of the designated wetland area should be prohibited.
2. New land division, development or shoreline modification that would reduce the capability of the wetlands to perform normal ecological functions should not be allowed.
3. Uses that are consumptive of physical, visual, and biological resources should be prohibited.

Access and Improvements

4. Access may be permitted for scientific, historical, cultural, educational, and low-intensity water-oriented recreational purposes such as nature study that do not impact ecological functions, provided that no significant ecological impact on the area will result.
5. Physical alterations should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or destroyed or for public access where no significant ecological impacts would occur.

Implementing Regulations

6. The ecological resources in the Natural-Wetlands environment should be protected through the provisions in the Critical Areas section of this SMP.

2. "High-Intensity" (H-I) Environment

a. Purpose

The purpose of the "High-Intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Because the Green River shoreline has been diked and offers few, if any, opportunities for water-dependent uses, a “High-Intensity” designation is also used for appropriate lands that are either separated from the shoreline or are not suitable for water-oriented use.

b. Designation Criteria

A "High-Intensity" environment designation will be assigned to shorelands designated for commercial or industrial use in the Comprehensive Plan if they currently support or are suitable and planned for high-intensity commercial, industrial, or institutional uses that either include, or do not detract from the potential for water oriented uses, shoreline restoration and/or public access.

c. Management Policies

Uses

1. In regulating uses in the "High-Intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Given the fact that commercial navigation on the Green River is limited by the channel configuration, nonwater-oriented uses may be allowed on shorelands separated from the shoreline by other properties, such as the Green River Trail corridor, and where public access improvements and/or shoreline restoration is included as part of the development. Nonwater-oriented uses may also be permitted where water-dependent uses, public access, and shoreline restoration is infeasible, as determined by the City's Shoreline Administrator.

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration and/or public access required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of development in the "High-Intensity" environment.

2. Developments in the "High-Intensity" environment should be managed so that they enhance and maintain the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.

Public Access and Aesthetics

3. Existing public access ways should not be blocked or diminished.

4. Aesthetic objectives should be actively implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. These objectives may be implemented either through this SMP or other City ordinances.

5. In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.

3. "Urban Conservancy–Open Space" (UC-OS) Environment

a. Purpose

The purpose of the “Urban Conservancy-Open Space" environment is to protect and “restore”, as defined in this SMP, ecological functions in urban and developed settings, while allowing public access and a variety of park and recreation uses.

b. Designation Criteria

An "Urban Conservancy-Open Space" environment designation will be assigned to shorelands that are within public and private parks and natural resource areas, including golf courses, the Green River Natural Resource Area, the Green River Trail and park lands on Lake Meridian, Lake Fenwick, and Springbrook Creek. Lands planned for park uses or resource conservation areas with no other commercial or residential land uses should also be designated “Urban Conservancy-Open Space.”

c. Management Policies

<u>Uses</u>

1. Water-oriented recreational uses should be given priority over nonwater-oriented uses. Water-dependent recreational uses should be given highest priority.
2. Commercial activities enhancing the public’s enjoyment of publically accessible shorelines may be appropriate.
3. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.
4. Development that hinders natural channel movement in channel migration zones should not be allowed (refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

<u>Ecological Restoration and Public Access</u>

5. During development and redevelopment, all reasonable efforts, as determined by the City, should be taken to restore ecological functions.
6. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy-Open Space" designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.

7. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

4. "Urban Conservancy–Low Intensity" (UC-LI) Environment

a. Purpose

The purpose of the "Urban Conservancy-Low Intensity" environment is to protect and restore ecological functions in low intensity settings, while allowing a variety of low impact uses, such as nurseries, low intensity residential and agriculture support uses.

b. Designation Criteria

An "Urban Conservancy-Low Intensity" environment designation will be assigned to shorelands appropriate and planned for development that are not generally suitable for water-dependent uses and that lie in lands designated as “Urban Separator,” “Agricultural Resource,” and “Agricultural Support” in the Comprehensive Plan, with any of the following characteristics:

1. They are suitable for low impact uses;
2. They are flood plains or other areas that should not be more intensively developed;
3. They have potential for ecological restoration;
4. They retain important ecological functions, even though partially developed; or
5. They are designated for low impact development.

c. Management Policies

<u>Uses</u>

1. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
2. Uses in the "Urban Conservancy–Low Intensity" environment should be limited to those which are non-consumptive (i.e., do not deplete over time) of the shoreline area's physical and biological resources and uses that do not substantially degrade ecological functions or the rural or natural character of the shoreline area. Shoreline habitat restoration and environmental enhancement are preferred uses.
3. Agricultural practices, when consistent with provisions of this chapter, may be allowed. Except as a Conditional Use, nonwater-oriented commercial and industrial uses should not be allowed.
4. Where allowed, commercial uses should include substantial shoreline restoration and public access.

5. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.

6. Developments and uses that would substantially degrade or permanently deplete habitat or the physical or biological resources of the area or inhibit stream movement in channel migration zones should not be allowed. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

Ecological Management and Restoration

7. During development and redevelopment, all reasonable efforts should be taken to restore ecological functions. Where feasible, restoration should be required of all nonwater-dependent development on previously developed shorelines.

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of development in the "Urban Conservancy – Low Intensity" environment.

8. Regulatory standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy-Low Intensity" designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.

9. Where appropriate, standards for landscaping and visual quality should be included.

Shoreline Modification and Development Impacts

10. Construction of new structural shoreline stabilization and flood control works should not be allowed except where there is a documented need to protect public safety, an existing structure or ecological functions and mitigation is applied (See Chapter 4: Shoreline Modification Provisions). New development should be designed and located to preclude the need for structural shoreline stabilization or flood control.

11. Development of the area within shoreline jurisdiction should be limited to a maximum of 12 percent total impervious surface area, unless an alternative standard is developed based on scientific information that meets the provisions of this chapter and protects shoreline ecological functions.

12. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected and restored over time. Shoreline ecological restoration should be required of new nonwater-dependent development or redevelopment where the shoreline ecological functions have been degraded.
13. Activities or uses that would strip the shoreline of vegetative cover, cause substantial erosion or sedimentation, or adversely affect wildlife or aquatic life should be prohibited.
14. Preservation of ecological functions should be balanced with public access and recreation objectives and should have priority over development objectives whenever a conflict exists.

5. "Shoreline Residential" (SR) Environment

a. Purpose

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

b. Designation Criteria

A "Shoreline Residential" environment designation will be assigned to City of Kent's shorelands if they are predominantly single-family or multifamily residential development or are planned for residential development.

c. Management Policies

<u>Uses</u>

1. Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the "Shoreline Residential" environment.
2. Water-oriented recreational uses should be allowed.
3. Adequate land area and services should be provided.
4. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.
5. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.
6. Multi-family development and subdivisions of land into more than four parcels should provide community access for residents of that development.
7. New residential development should be located and designed so that future shoreline stabilization is not required.

6. "Aquatic" Environment

a. Purpose

The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

b. Designation Criteria

An "Aquatic" environment designation will be assigned to shoreline areas waterward of the ordinary high-water mark.

c. Management Policies

1. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
4. Provisions for the “Aquatic” environment should be directed towards maintaining and restoring habitat for aquatic species.
5. Uses that cause significant ecological impacts to critical freshwater habitats should not be allowed. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence defined in Chapter 3 Section B.4.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
7. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with this SMP.

CHAPTER 3

General Provisions

A. Introduction

General policies and regulations are applicable to all uses and activities (regardless of shoreline environment designation) that may occur along the City's shorelines.

This chapter is broken up into twelve different topic headings and is arranged alphabetically. Each topic begins with a discussion of background SMP issues and considerations, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable over a wide range of environments as well as particular uses and activities.

B. Policies and Regulations

1. Universally Applicable Policies and Regulations

a. Applicability

The following regulations describe the requirements for all shoreline uses and modifications in all shoreline environment designations.

b. Policies

1. The City should periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology to ensure no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:

    a. Water quality.

    b. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions).

    c. Upland vegetation.

    d. Changing visual character as a result of new residential development, including additions, and individual vegetation conservation practices.

    e. Shoreline stabilization and modifications.

2. The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.
3. Where appropriate, the City should pursue the policies of this SMP in other land use, development permitting, public construction, and public health and safety activities. Specifically, such activities include, but are not limited to:
   a. Water quality and storm water management activities, including those outside shoreline jurisdiction but affecting the shorelines of the state.
   b. Aquatic vegetation management.
   c. Health and safety activities, especially those related to sanitary sewage.
   d. Public works and utilities development.
4. The City should involve affected federal, state, and tribal governments in the review process of shoreline applications.

c. Regulations

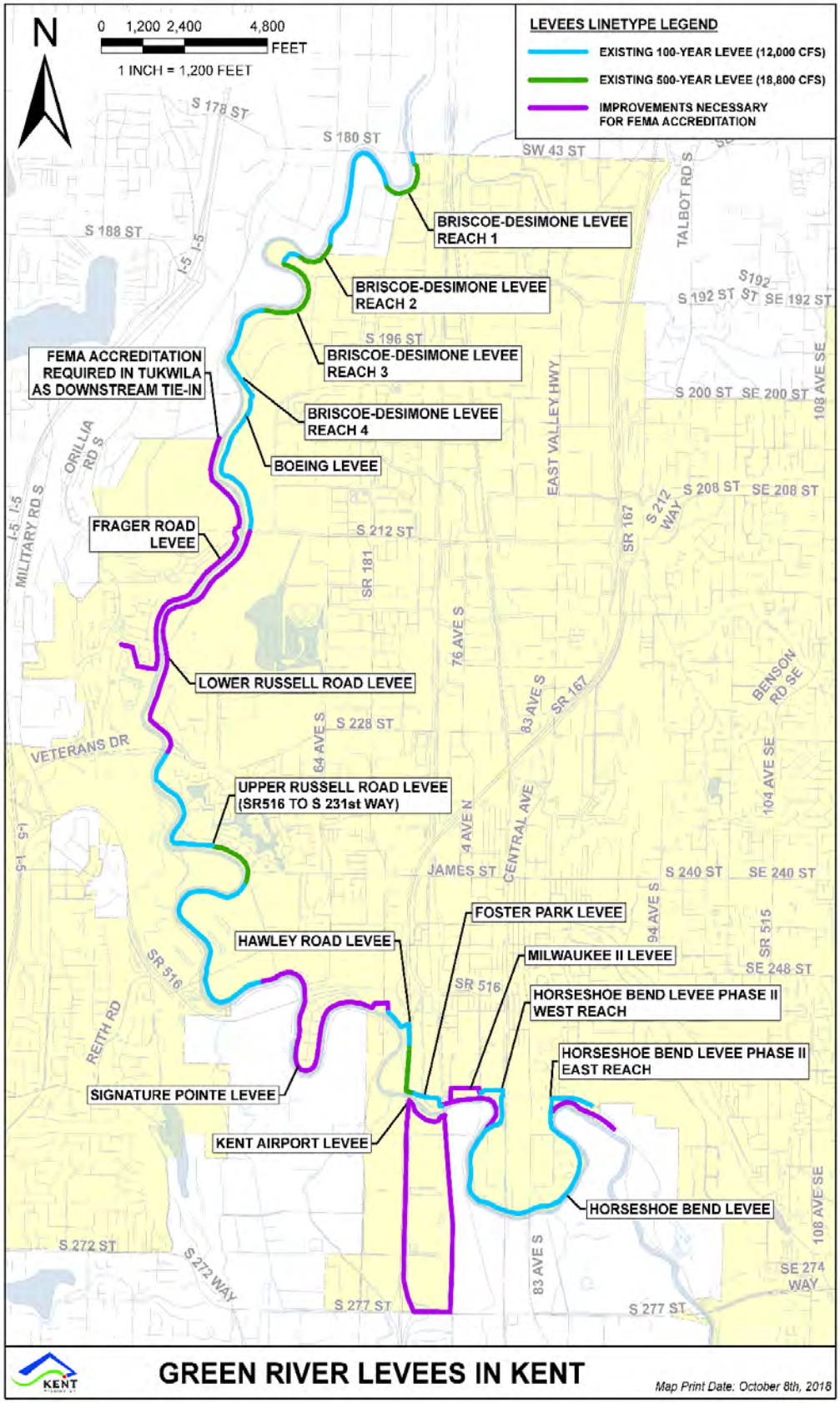
1. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act, Chapter 90.58 RCW, and to the policies and regulations of this SMP.
2. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this SMP. Except as otherwise noted, all shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.
3. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline Conditional Use permit. See Chapter 5 for Shoreline Use Regulations, including exemptions, variances, Conditional Uses, and nonconforming uses.
4. The "policies" listed in this SMP will provide broad guidance and direction and will be used by the City in applying the "regulations." The policies, taken together, constitute the Shoreline Element of the Kent Comprehensive Plan.
5. Where provisions of this SMP conflict, the provisions most directly implementing the objectives of the Shoreline Management Act, as determined by the City, shall apply unless specifically stated otherwise.
6. The regulations of Chapters 2, 4, 5 and sections 2, and 4 through 12 of Chapter 3 in this SMP shall not apply to those land areas that are outside shoreline jurisdiction as of the date of adoption of this SMP but which do fall within shoreline jurisdiction due solely to a human-

constructed shoreline restoration project, pursuant to the provisions of Washington State House Bill 2199 Chapter 405, 2009 Laws. That is, if a shoreline restoration project causes the expansion of shoreline jurisdiction onto a neighboring property or portion of the subject property, then SMP regulations noted above do not apply to the area of expanded jurisdiction. However, if the area newly falling into shoreline jurisdiction is a critical area, then the critical area provisions of this SMP do apply.

7. All private development along the Green River must be set back from the Green River OHWM according to the following:

    a. Where there is an existing levee or where flood control measures are planned, private development, including buildings, building additions and pavements shall be set back sufficiently to allow for the construction of levee improvements. See Figure X below for a map of existing and future levee improvements. In most areas, this setback will be 140' from the OHWM. The City may increase or decrease the required setback according to the design of the levee improvements at the particular stretch of river in question. New public development associated with levee construction, including trail, public access, recreation spaces, and environmental restoration improvements may be located within this setback.

    b. Where there is no levee and no public plans to construct or improve a levee all new private development shall be set back 150' from the OHWM. New public development such as road improvements, recreation spaces, trails, and environmental restoration may be constructed within this setback provided they meet the requirements of this SMP.


N
0 1,200 2,400 4,800
FEET
1 INCH = 1,200 FEET
LEVEES LINETYPE LEGEND
EXISTING 100-YEAR LEVEE (12,000 CFS)
EXISTING 500-YEAR LEVEE (18,800 CFS)
IMPROVEMENTS NECESSARY FOR FEMA ACCREDITATION
BRISCOE-DESIMONE LEVEE REACH 1
BRISCOE-DESIMONE LEVEE REACH 2
BRISCOE-DESIMONE LEVEE REACH 3
BRISCOE-DESIMONE LEVEE REACH 4
FEMA ACCREDITATION REQUIRED IN TUKWILA AS DOWNSTREAM TIE-IN
BOEING LEVEE
FRAGER ROAD LEVEE
LOWER RUSSELL ROAD LEVEE
UPPER RUSSELL ROAD LEVEE (SR516 TO S 231st WAY)
HAWLEY ROAD LEVEE
FOSTER PARK LEVEE
MILWAUKEE II LEVEE
HORSESHOE BEND LEVEE PHASE II WEST REACH
HORSESHOE BEND LEVEE PHASE II EAST REACH
SIGNATURE POINTE LEVEE
KENT AIRPORT LEVEE
HORSESHOE BEND LEVEE
S 178 ST
S 180 ST
SW 43 ST
S 188 ST
S 196 ST
S 192 ST
SE 192 ST
S 200 ST
SE 200 ST
S 208 ST
SE 208 ST
S 212 ST
S 228 ST
JAMES ST
S 240 ST
SE 240 ST
SE 248 ST
S 272 ST
S 272 WAY
S 277 ST
SE 274 WAY
I-5
TALBOT RD S
EAST VALLEY HWY
SR 167
S 212 WAY
108 AVE SE
ORILLIA RD S
MILITARY RD S
SR 181
76 AVE S
83 AVE S
BENSON RD SE
104 AVE SE
64 AVE S
VETERANS DR
4 AVE N
CENTRAL AVE
94 AVE S
SR 515
SR 516
REITH RD
KENT
GREEN RIVER LEVEES IN KENT
Map Print Date: October 8th, 2018

2. Archaeological and Historic Resources

a. Applicability

The following provisions apply to archaeological and historic resources that are either recorded at the State Historic Preservation Office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and shall comply with Chapter 25-48 WAC as well as the provisions of this chapter.

b. Policies

1. Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

c. Regulations

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City if any phenomena of possible archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.
2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by an archaeologist. The permit shall require approval by the City before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.
3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney

General's Office and the State Historic Preservation Office of such a waiver in a timely manner.

5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this SMP.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be included in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
9. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53 RCW.

3. Critical Areas

Critical areas in shoreline jurisdiction are subject to the provisions of the Critical Areas Regulations, codified under Chapter 11.06 KCC through Ordinance 4249 (06/20/17), which are incorporated by reference into this SMP except as noted below. Pursuant to WAC 173-26-221(2)(a), critical areas in shorelines must be regulated to assure no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Exceptions to the applicability of the Critical Areas Regulations in shoreline jurisdiction are provided below.

1. If provisions of the Critical Areas Regulations and other parts of the SMP conflict, the provisions most protective of the ecological resource and most consistent with the SMA policy RCW 90.58.020 shall apply, as determined by the City.
2. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction, as follows:
   a. The provisions of the Critical Areas Regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffer areas that are outside shoreline jurisdiction, see Critical Areas Regulations, Chapter 11.06 KCC.
   b. Provisions of the Critical Area Regulations that include a “reasonable use determination” shall not apply within shoreline

jurisdiction. Specifically, Section 11.06.90 KCC, as amended does not apply.

c. Provisions of the Critical Areas Regulations relating to variance procedures and criteria do not apply in shoreline jurisdiction. Within shoreline jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, Section 11.06.100 KCC shall not apply. Variance procedures and criteria have been established in this SMP, Chapter 7 Section D and in Washington Administrative Code WAC 173-27-170.

d. Exemption 11, describing exceptions for approved plats and legally created lots in Section 11.06.040 KCC, shall not apply.

e. The Critical Areas Regulations refer to all shorelines identified in the SMP as Type 1 Waters and defers all setbacks for Type 1 Waters to the Kent SMP (Section 11.06.680 KCC). The portion of Springbrook Creek that is identified in this SMP shall be a Type 1 water rather than subject to the valley stream buffer per Section 11.06.680 KCC.

f. Procedural provisions of the Critical Areas Regulations that are not consistent with the SMA authorities shall not apply within shoreline jurisdiction. Specifically, Section 11.06.080.C KCC appeals from critical areas review decisions, shall not apply.

g. Within the shoreline jurisdiction, the requirements of Section 11.06.600.D, *Increased buffer widths*, shall apply unless: If an existing relatively undisturbed vegetated corridor exists between the on-site wetland and other Priority Habitats, as defined by the Washington State Department of Fish and Wildlife, and the off-site portion of the corridor is already protected via an existing conservation easement, critical areas regulations, or other legal requirement, the portion of the corridor on-site must also be protected by a similar legal protection. The 300 foot distance limitation of Section 11.06.600.D.1 shall not apply within the shoreline jurisdiction.

h. Provisions of the Critical Areas Regulations that are not consistent with mitigation sequencing and no net loss of shoreline ecological function standards of the SMP shall not apply in shoreline jurisdiction. Specifically, Section 11.06.610 KCC *Avoiding wetland impacts*, shall not apply.

4. Environmental Impacts

a. Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction that are not within the jurisdiction of the Critical Areas Regulations as addressed in Section B.3 above.

b. Policies

1. In implementing this SMP, the City should take necessary steps to ensure compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.
2. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.

c. Regulations

1. All project proposals, including those for which a shoreline permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.
2. Projects that cause significant ecological impacts, as defined in Definitions, are not allowed unless mitigated according to the sequence in subsection c. 4 below to avoid reduction or damage to ecosystem-wide processes and ecological functions.
3. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be mitigated according to the sequence in subsection c.4 below.
4. The City will set mitigation requirements or permit conditions based on impacts identified per this SMP. In order to determine acceptable mitigation, the City Shoreline Administrator may require the applicant to provide the necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

   When applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;
   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations;

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

f. Monitoring the impact and the compensation projects (from subsection e. above) and taking appropriate corrective measures.

5. Exception to the sequencing noted above: The City may provide for or allow mitigation of an environmental impact through a comprehensive mitigation program such as a mitigation banking program if such mitigation measures will result in a greater benefit in terms of ecological functions and values. Such a program must be based on a comprehensive analysis of ecological systems such as provided by the analysis and restoration plan accomplished as part of this SMP.

6. All shoreline development shall be located and constructed to avoid locally-specific significant adverse impacts to human health and safety.

5. Flood Hazard Reduction and River Corridor Management

a. Applicability

The provisions in this section apply to those areas within shoreline jurisdiction lying along the Green River floodplain corridor, including rivers, streams, associated wetlands in the floodplain, and river deltas.

The provisions in this section are intended to address two concerns especially relevant to river shorelines:

1. Protecting human safety and minimizing flood hazard to human activities and development.

2. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin.

b. Policies

1. The City should implement a comprehensive program to manage the City's riparian corridors that integrates the following City ordinances and activities:

   a. Regulations in this SMP.

   b. The City's Critical Area Regulations.

   c. The City's zoning code.

d. The City's Drainage Master Plan, Surface Water Design Manual, and implementing regulations.

e. The City's participation in the National Flood Insurance Program and compliance with the State's floodplain management law at Chapter 86.16. RCW.

f. The City's Park and Open Space Plan and Kent Valley Loop Trails Master Plan.

g. The construction or improvement of new public facilities, including roads, dikes, utilities, bridges, and other structures.

h. The ecological restoration of selected shoreline areas.

2. In regulating development on shorelines within SMA jurisdiction, the City should endeavor to achieve the following:

   a. Maintenance of human safety.

   b. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes, including water and sediment transport and natural channel movement.

   c. Protection of water quality and natural groundwater movement.

   d. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain.

   e. Protection of existing legal uses and legal development (including nonconforming development) unless the City determines relocation or abandonment of a use or structure is the only feasible option or that there is a compelling reason to the contrary based on public concern and the provisions of the SMA.

   f. Protection of recreation resources and aesthetic values, such as point and channel bars, islands, and other shore features and scenery.

   g. When consistent with the provisions a. through f. above, provide for public access and recreation, consistent with Chapter 3 Section B.7.

3. The City should undertake flood hazard planning, where practical, in a coordinated manner among affected property owners and public agencies and consider entire drainage systems or sizable stretches of rivers, lakes, or marine shorelines. This planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully employ nonstructural approaches to minimizing flood hazard to the extent feasible.

4. The City should give preference to and use nonstructural solutions over structural flood control devices wherever feasible, including prohibiting or limiting development in historically flood-prone areas, regulating structural design and limiting increases in peak storm

water runoff from new upland development, public education, and land acquisition for additional flood storage. Structural solutions to reduce shoreline hazard should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the hazard.

Where structural solutions are rebuilt, fish-friendly structures such as setback levees should be used. In the Lower Green River, every opportunity should be taken to set back levees and revetments to the maximum extent practicable.

5. In designing publicly financed or subsidized works, the City should provide public pedestrian access to the shoreline for low-impact outdoor recreation.
6. The City should encourage the removal or breaching of dikes to provide greater wetland area for flood water storage and habitat; provided, such an action does not increase the risk of flood damage to existing human development.

c. Regulations

1. New development must be consistent with “a” through “d” below in addition to the provisions of this SMP. In cases of inconsistency, the provisions most protective of shoreline ecological functions and processes shall apply:
   a. The City’s Flood Hazard Regulations, Chapter 14.09 KCC.
   b. The flood insurance study for King County, Washington, prepared by FEMA in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
   c. The City’s Surface Water Utility Regulations, Chapter 7.05 KCC, as amended.
   d. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, which may be incorporated into permits issued for flood protection.
2. New structural flood hazard reduction measures, including dikes, levees, and overflow channels, may be allowed only when consistent with Chapter 14.09 KCC and all of the following can be demonstrated:
   a. The project does not further restrict natural channel movement, except that flood hazard reduction measures that protect an existing building, roadway, bridge, or utility line may be installed, provided the measure is placed as close to the existing structure as possible;
   b. Other, nonstructural measures would not be feasible or adequate;

c. The measures are necessary to protect existing development or new public development, such as a roadway, that cannot be located further from the stream channel; and

d. Shoreline vegetation necessary to provide ecological functions is protected or restored.

3. New flood hazard reduction measures, including dikes and levees, may be constructed to protect properties as part of a shoreline environmental restoration project, such as the breaching of a dike to create additional wetlands.

4. Otherwise allowed shoreline modifications in the 100-year floodplain and flood hazard reduction measures shall employ the type of construction or measure that causes the least significant ecological impacts. When authorizing development within the 100-year floodplain, the City will require that the construction method with the least negative significant ecological impacts be used. For example, the City will not allow rock revetments to be used for erosion control if a "softer" approach using vegetation plantings and engineered woody debris placement is possible.

5. Existing hydrological connections into and between water bodies, such as streams, tributaries, wetlands, and dry channels, shall be maintained. Where feasible, obstructed channels shall be re-established as a condition of nonwater-dependent uses, development in the 100-year floodplain, and structural flood hazard reduction measures.

6. Re-establishment of native vegetation waterward of a new structure on the Green River is required where feasible. The City Shoreline Administrator may require re-establishment of vegetation on and landward of the structure if it determines such vegetation is necessary to protect and restore ecological functions.

7. Designs for flood hazard reduction measures and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers (or geologists or hydrologists) who have expertise in local riverine processes.

8. Structural flood hazard reduction projects that are continuous in nature, such as dikes or levees, shall provide for public access unless the City determines that such access is not feasible or desirable according to the criteria in Chapter 3.Section B.7., "Public Access."

9. Shoreline modification and development standards shall be as outlined in the matrices in Chapter 4 and Chapter 5 for allowable uses and modification and development standards such as setbacks and clearing and grading within each shoreline environment designation.

10. Bridges, culverts, and other river, stream, and waterway crossings shall be designed and constructed so they do not restrict flood flows

such that flood elevations are increased. Where a bridge, culvert, or other waterway crossing replaces an existing crossing, the replacement structure shall not increase flood heights over those caused by the original structure.

11. The removal of gravel for flood control may be allowed only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution.

6. Parking

a. Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted the following provisions apply only to parking that is "accessory" to a permitted shoreline use. Parking as a "primary" use and parking which serves a use not permitted in the shoreline jurisdiction is prohibited.

b. Policies

1. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).
2. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.
3. Low-impact parking facilities, such as permeable pavements, are encouraged.

c. Regulations

1. Parking as a primary use or that serves a use not permitted in the applicable shoreline environment designation shall be prohibited over water and within shoreline jurisdiction.
2. Parking in shoreline jurisdiction must directly serve a permitted shoreline use.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon the adjacent shoreline and abutting properties. A minimum of 15 feet of Type II landscaping, as defined in Section 15.07.050 KCC, as amended, between the parking and the shoreline shall be provided. Landscaping shall consist of native vegetation and plant materials approved by the City Shoreline Administrator and shall be planted before completion of the parking area in such a manner that plantings provide effective screening between parking and the water body within five years of project completion. The City Shoreline Administrator may modify

landscaping requirements to account for reasonable safety and security concerns.

4. Parking facilities serving individual buildings on the shoreline shall be located landward, if feasible, to minimize adverse impacts on the shoreline.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, as per the most recent edition of the City of Kent Surface Water Design Manual.
7. Lighting associated with parking lots shall be beamed, hooded, or directed to minimize and avoid illumination of the water, setback areas, wetlands, and other wildlife habitat areas.
8. See Chapter 5 Section B. Development Standards Matrix, for setback requirements.

7. Public Access

a. Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, and improved street ends. The City of Kent has extensively and comprehensively planned for and implemented public access plans for its shorelines.

The City of Kent has numerous and varied public access facilities along its shorelines. The City and King County have established a regional trail with park and recreation facilities following nearly the entire Green River, and many existing developments along the Green River also include public access points. There are public parks and public access facilities including docks, floating walkways and boat launches on both Lake Meridian and Lake Fenwick. The Green River Natural Resources Area includes extensive wildlife viewing areas, including two view towers and the Interurban Trail along its southern edge. Along Springbrook Creek two undeveloped City owned park properties connect to the Springbrook Greenbelt, containing a user-made trail, and Gary Grant Soos Creek Park is located on Big Soos Creek. A public boat launch and fishing access is located on Panther Lake as well as an informal street-end access point. These public access facilities, along with identified future public land acquisition, are sufficient to meet public access needs along the shorelines.

In addition to the above examples, comprehensive documentation of existing parks and recreation facilities, public access points and trails are identified and mapped in detail in the Park & Open Space Element of the City's Comprehensive Plan. This element also identifies future park acquisition and development needs. The City's Parks and Open Space Plan (2016) complements the City's Comprehensive Plan. The Parks and Open Space Plan discusses the current condition of the park system, lays out a vision for transformation and provides a reinvestment strategy to achieve the vision. A new park at Panther Lake that includes public access to the lake is identified in the plan as a strategic project, as are the relocation of Van Doren's Park, Signature Pointe Levee Project, Green River Trail improvements, Frager Road Trail improvements, and Green River Levee and habitat improvement work. Similarly, chapter 4 of the Shoreline Inventory & Analysis Report identifies existing and potential public access sites for each of the City's shoreline waterbodies. The City's public access planning process provided by these documents provides more effective public access than individual project requirements for public access, as provided for in WAC 173-26-221(4)(d)(iii)(A).

The Muckleshoot Indian Tribe has federally-protected treaty rights to fisheries resources in rivers and streams within their usual and accustomed areas("U&A"), including access to these resources. Kent's regulated shoreline areas are a subset of the Muckleshoot Tribe's larger "U&A" area. Activities and development regulated under this Shoreline Master Program have the potential to impact both the treaty-protected fisheries resources and tribal members' ability to access to these resources. Accordingly, the City will work with the Muckleshoot Tribe to ensure that permitted projects do not unduly impede or impair in-water or upland tribal fishing access.

b. Policies

1. Public access should be considered in the review of all private and public developments with the exception of the following:
   a. One- and two-family dwelling units; or
   b. Where deemed inappropriate due to health, safety and environmental concerns.
2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation and should not impede in-water or upland tribal fishing access.
3. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.
4. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public

utilities and rights-of-way should be preserved, maintained and enhanced.

5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.

6. To the greatest extent feasible, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines should be protected. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views. Development in shorelines should not adversely affect the aesthetic qualitities of the shoreline.

7. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.

8. City parks, trails and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with City and County plans.

9. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible.

10. Shoreline public access sites should connect to public areas, undeveloped right-of-way, and other pedestrian or public thoroughfares. Where such connections are precluded, the City should consider measures to establish such connections. The partial or full acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.

11. The City should acquire and develop waterfront property on Panther Lake, in the event of annexation, to provide public access to the shoreline.

c. Regulations

1. Shoreline substantial development (including land division into more than four lots and PUDs) or conditional uses, either of which fronts directly on the shoreline, shall provide physical public access where any of the following conditions are present:

   a. Where a development or use will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.

   b. Where the development is proposed by a public entity or on public lands unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline

environment or where more effective public access is identified in the City's Comprehensive Parks & Recreation Plan or the Park & Open Space Element of the City's Comprehensive Plan.

The shoreline permit file shall describe the impact, the required public access conditions, and how the conditions address the impact. Mitigation for public access impacts shall be in accordance with the definition of mitigation and mitigation sequencing in Chapter 3 Section B.4.

2. For multi-family development and subdivisions of land into more than four parcels, public access need not be provided, however, community access for residents of that development shall be provided.
3. Shoreline substantial development (including land division into more than four lots and PUDs) or conditional uses shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences.
4. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (This is a requirement of RCW 35.79.035 and RCW 36.87.130).
5. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
6. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.
7. Public access easements and permit conditions shall be recorded as a covenant against the title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Assessor's Office shall occur prior to permit approval (section 58.17.110 RCW).
8. Minimum width of public access easements shall be 20 feet, unless the City Shoreline Administrator determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
9. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.
10. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

11. Public access facilities may be developed over water provided that all ecological impacts are mitigated to achieve no net loss of ecological functions.

8. Shorelines of State-Wide Significance

a. Applicability

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the City of Kent's jurisdiction, The Green River is a shoreline of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

b. Policies

In implementing the objectives of RCW 90.58.020 for shorelines of statewide significance, the City will base decisions in preparing and administering this SMP on the following policies in order of priority, 1 being the highest and 6 being lowest.

1. Recognize and protect the state-wide interest over local interest.
   a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the SMP, and any proposed amendments affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.
   b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
   c. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
   a. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
   b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low-intensity use or underdeveloped areas.

c. Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.

d. Protect and restore habitats for State-listed “priority species.”

3. Support actions that result in long-term benefits over short-term benefits.

   a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

   b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.

4. Protect the resources and ecology of the shoreline.

   a. All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.

   b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.

   c. Shoreline development should be managed to ensure no net loss of ecological functions.

5. Increase public access to publicly owned areas of the shoreline.

   a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines, especially to the maintenance and enhancement of the Green River Trail, which is a regional recreational and transportation resource.

   b. Locate development landward of the ordinary high water mark so that access is enhanced.

6. Increase recreational opportunities for the public on the shoreline.

   a. Plan for and encourage development of facilities for recreational use of the shoreline.

   b. Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for nonmotorized access to the shoreline.

9. Signage

a. Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

b. Policies

1. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere with visual access to the water or shorelands.

c. Regulations

1. Prohibited Signs: The following types of signs are prohibited:
   a. Off-premises detached outdoor advertising signs.
   b. Commercial signs for products, services, or facilities located off-site.
   c. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
   d. Signs placed on trees or other natural features, unless the City's Shoreline Administrator finds that these signs are necessary for public safety reasons.
2. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
   a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
   b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
   c. Off-premise, free-standing signs for community identification, information, or directional purposes.
   d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
   e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.

3. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
4. Over-water signs, signs on floats or pilings, and signs for goods, services, or businesses not located directly on the site proposed for a sign are prohibited.
5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
6. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height. When feasible, signs shall be flush-mounted against existing buildings.
7. Temporary or obsolete signs shall be removed within 10 days of elections, closures of business, or termination of any other function. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.
8. Signs that do not meet the policies and regulations of this section B.9 shall be removed or shall conform within two years of the adoption of this SMP.
9. No signs shall be placed in a required view corridor.

10. Utilities (Accessory)

a. Applicability

Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users and are considered a part of the primary use. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

b. Policies

1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation to ensure no net loss of ecological functions.
2. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
3. Accessory utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

c. Regulations

1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.
4. Utility discharges and outfalls shall be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.
5. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring is a preferred method of utility water crossing over open trenching.

11. Vegetation Conservation

a. Applicability

The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. They do not apply to forest practices managed under the Washington State Forest Practices Act. See Chapter 6 for definitions of “significant vegetation removal,” “ecological functions,” “clearing,” “grading,” and “restore.”

b. Policies

1. Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this SMP, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation

on different sections of the shoreline, as described in Chapter 5 of the June 30, 2009 City of Kent Final Shoreline Inventory and Analysis Report.

2. This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.

3. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

4. The removal of invasive or noxious weeds and replacement with native vegetation should be encouraged. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference for mechanical rather than chemical means.

c. Regulations

For All Shoreline Environments:

1. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal within the required SMP setback area. The City's Shoreline Administrator may make exceptions to this standard for water dependent development and for development in the High Intensity environment only.

2. New development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of a substantial development permit or a letter of exemption application, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading. The City's Shoreline Administrator may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions.

3. Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site unless the City's Shoreline Administrator finds that native plant materials are inappropriate or not hardy in the particular situation. Placement of trees on the Green River shall consider provision of public views and the need for shade as identified in the 2016 King County Flood District Systemwide Improvement Framework (SWIF) Interim Report, or as subsequently amended.

4. In addressing impacts from significant vegetation removal, the City's Shoreline Administrator will apply the mitigation sequence described in Chapter 3 Section B.4.

5. Where shoreline restoration is required, the vegetation plantings shall adhere to the following specifications, unless the City's Shoreline Administrator finds that another method is more appropriate:

   Property owners must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

   a. Requires the preparation of a revegetation plan;

   b. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions;

   c. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality; and

   d. Includes a monitoring and maintenance program.

   This plan shall be recorded with the King County assessor's office as a covenant against the real property and a copy shall be provided to the Shoreline Administrator.

6. A condition of all development shall be that those areas within the required SMP setback area that have been cleared or where significant vegetation removal has occurred and that are not otherwise occupied by approved structures or uses shall be revegetated with native vegetation. The City's Shoreline Administrator may require replanting of previously cleared areas or removal of invasive or noxious weeds and replanting with native vegetation as part of mitigation of ecological impacts.

7. Snags and living trees (i.e., large cottonwoods) shall not be removed within the required SMP setback area unless an arborist determines them to be hazardous and likely to fall in a location that would present a safety hazard, or unless removal is part of an approved development that includes mitigation for impacts to ecological functions. Snags and living trees within the setback which do not present a hazard shall be retained. Selective pruning of trees for safety and view protection is allowed. The Shoreline Administrator may make exceptions to this standard for water dependent development and for development in the High Intensity environment, or where the City determines that the removal of such vegetation is in the public interest and is consistent with the goals of the Shoreline Management Act as stated in section 90.58.020 RCW.

For Shorelines in the Urban Conservancy-Open Space and Urban Conservancy-Low Intensity Environments

8. For properties within areas planned for residential development within the Urban Conservancy–Open Space or Urban Conservancy–Low Intensity environments, new development that will cause significant vegetation removal within the required setbacks specified in Chapter 3 Section B.1.c.7 and Chapter 5 Sections B and C.8 shall not be allowed except where the dimensions of existing lots or parcels are not sufficient to accommodate permitted primary residential structures outside of the vegetation conservation area or where the denial of reasonable use would result in a taking. In these instances the City's Shoreline Administrator will apply the mitigation sequence in Chapter 3 Section B.4 to minimize ecological impacts. Generally, this will mean placing the development away from the shoreline as far as possible, locating the development to avoid tree cutting, and modifying building dimensions to reduce vegetation removal.

9. The enhancement of vegetation shall be a condition of all nonwater-dependent development, dike or levee construction, and shoreline modifications in the Urban Conservancy environments, except where the City's Shoreline Administrator finds that:

    a. Vegetation enhancement is not feasible on the project site. In these cases the City's Shoreline Administrator may require off-site vegetation enhancement that performs the same ecological functions. Enhancement opportunities on the same waterbody shall be explored first, prior to consideration of enhancement opportunities in the same basin or watershed.

    b. The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints.

    c. Sufficient native vegetation already exists.

10. Minor vegetation removal may be done to provide for development and maintenance of public access and trails on public property, as well as to address public health and safety concerns, provided impacts are mitigated.

For Shorelines in the High-Intensity Environment

11. The impacts due to significant vegetation removal shall be mitigated according to the sequence described in Chapter 3 Section B.4.

12. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses, or human activities shall be revegetated, in accordance with subsection c.5 above. Vegetation within the required setbacks specified in Chapter 3 Section B.1.c.7 and Chapter 5 Section B of the shoreline, to the extent the setback extends onto the subject development site, must

be native vegetation or species approved by the City's Shoreline Administrator.

For Shorelines in the Shoreline Residential Environment

13. Development is subject to requirements in Chapter 5 Section C.8, "Residential Development."

For Shorelines in the Aquatic Environment

14. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
15. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit.
16. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a substantial development permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit.
17. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
18. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations and where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. Application of herbicides for the control of aquatic weeds requires approval from the Department of Ecology. The City's Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of approval from the Department of Ecology. Additionally, all herbicides shall be applied by a licensed professional.

12. Water Quality and Quantity

a. Applicability

The following section applies to all development and uses in shoreline jurisdiction that affect water quality, as defined below.

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

Because the policies of this SMP are also policies of the City’s comprehensive plan, the policies also apply to activities outside shoreline jurisdiction that affect water quality within shoreline jurisdiction, as determined by the City’s Shoreline Administrator. However, the regulations apply only within shoreline jurisdiction.

b. Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.
2. The City should require reasonable setbacks, buffers, and storm water storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.
3. All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality and quantity.
4. As a general policy, the City should seek to improve water quality, quantity (the amount of water in a given system, with the objective of providing for ecological functions and human use), and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City should implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City should implement the City of Kent Surface Water Design Manual, as updated and adopted by City ordinance.
5. All measures to treat runoff in order to maintain or improve water quality should be conducted on-site before shoreline development creates impacts to water.

6. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.

c. Regulations

1. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that water quality and quantity are not adversely affected. Control measures include, but are not limited to, low impact development techniques, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.
2. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP.
3. Uses and development that require the application of pesticides, herbicides, fertilizers and other chemicals that could adversely affect water quality (except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations) are prohibited in shoreline jurisdiction.
4. The application of pesticides or herbicides in shoreline jurisdiction is prohibited except for those products specifically approved for use by the Department of Ecology in aquatic situations, and then only if used according to approved methods of and standards for application.

CHAPTER 4

Shoreline Modification Provisions

A. Introduction and Applicability

Shoreline modifications are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications.

Generally, shoreline modification activities are undertaken for the following reasons:

1. To prepare a site for a shoreline use
2. To provide shoreline stabilization or shoreline protection
3. To support an upland use

The policies and regulations in this chapter are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. This chapter provides policies and regulations for shoreline modification features including shoreline stabilization measures and docks and floats.

If a shoreline development entails more than one shoreline modification, then all of the regulations pertaining to each type of modification apply.

Even though a shoreline modification may not require a shoreline substantial development permit, it must still conform to the regulations and standards in this SMP. The City requires that a property owner contemplating a shoreline modification contact the City's Shoreline Administrator and apply for a "letter of exemption". No shoreline modification shall be undertaken without either a shoreline permit or a letter of exemption.

B. Shoreline Modification Matrix

The following matrix (Table 5) is the shoreline modification matrix. The matrix provides the permitted, conditional, and prohibited uses in all shoreline environmental designations. The numbers in the matrix refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated modification.

Where there is a conflict between the matrix and the written provisions in this Chapter, the written provisions shall apply.

Table 5. Shoreline Modification Matrix

P = May be permitted
C = May be permitted as a conditional use only
X = Prohibited; the use is not eligible for a variance or conditional use permit
N/A = Not applicable

	Natural-Wetlands	High-Intensity	Urban Conservancy - Open Space	Urban Conservancy - Low Intensity	Shoreline Residential	Aquatic
Shoreline stabilization:						
Environmental restoration/enhancement	P	P	P	P	P	P
Bioengineering	C	P	P	P	P	C
Revetments	X	P	C	C	P	C
Bulkheads	X	P	C	C	P	C
Breakwaters/jetties/rock weirs/groins	X	X	X	X	X	X
Dikes, levees	X	P	P	P	P	C[5]
Clearing and Grading	X	P	P	P	P	NA
Dredging	N/A	N/A	N/A	N/A	N/A	C
Hazardous waste cleanup	P	P	P	P	P	P
Fill[1]	X	P	P	P[3]	P[3]	C[2]
Piers, docks[4]	X	P	P	P	P	P
Moorage piles and mooring buoys	X	X	X	X	X	X

All shoreline modifications are subject to other provisions in this SMP. See, especially, Section C "Policies and Regulations" below.

Shoreline Modification Matrix Notes:

1. *Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.*
2. *Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.*
3. *Disposal of dredge material within a channel migration zone shall require a conditional use permit (refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).*
4. *New non-public piers and docks are prohibited on the Green River.*
5. *See Section C.7.c.6.*

C. Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all shoreline modification activities whether such proposals address a single property or multiple properties.

b. Policies

1. Structural shoreline modifications should be allowed only where they are demonstrated to be necessary:
   a. To support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or;
   b. For reconfiguration of the shoreline to mitigate impacts or enhance the shoreline ecology.
2. The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.
3. Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions in which they are proposed.
4. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions, as stated in WAC 173-26-231. This is to be achieved by preventing unnecessary shoreline modifications, by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline modifications.
5. Where applicable, the City should base decisions on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231
6. Impaired ecological functions should be enhanced where feasible and appropriate while accommodating permitted uses, as stated in WAC 173-26-231. As shoreline modifications occur, the City will incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
7. In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

c. Regulations

1. All shoreline modification activities must be in support of a permitted shoreline use or to provide for human health and safety. Shoreline modification activities which do not support a permitted shoreline use are considered "speculative" and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible (See Chapter 6 for definition of "feasible"). Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation of proposed structures, and vegetation enhancement.
3. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative and includes environmental enhancement.
4. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
5. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.
6. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g.: creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.
7. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future shoreline modifications will be required and shall include appropriate protection of ecological function (refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

2. Shoreline Stabilization (Including Bulkheads)

a. Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or essential structures caused by manmade processes such as boat wakes and natural processes, such as current, flood, wind, or wave action. These include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and ground water management,

planning and regulatory measures to avoid the need for structural stabilization.

Structural methods include “hard” and “soft” structural stabilization measures.

Hard Structural Shoreline Stabilization means erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, groins, and similar structures.

Soft Structural Shoreline Stabilization means erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement. On lakes such as Lake Meridian, Lake Fenwick and Panther Lake, non-structural and “soft” structural stabilization measures can be cost-effective and practicable solutions.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

WAC 173-27-040(2)(b) defines normal maintenance and repair of existing structures and notes that many maintenance and repair activities are exempt from the requirement for a shoreline substantial development permit. As indicated in that section, normal maintenance and repair actions are not exempt from substantial development permits if they “cause substantial adverse effects to shoreline resources or the environment.” Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

Some shoreline stabilization measures for single family residences may be exempt from a shoreline substantial development permit in accordance with WAC 173-27-040(2). However, such measures must comply with the provisions of this SMP.

b. Policies

1. Non-structural stabilization measures are preferred over “soft” structural measures. “Soft” structural shoreline stabilization measures are strongly preferred over hard structural shoreline stabilization Proposals for hard and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that nonstructural methods are not “feasible”, as defined in Chapter 6. Hard structural shoreline stabilization measures should be allowed only when it is demonstrated that soft structural measures are not feasible.

2. Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing development and minimize adverse impacts to ecological functions.

3. New development requiring bulkheads and/or similar protection should not be allowed. Shoreline uses should be located in a manner so that bulkheads and other structural stabilization are not likely to become necessary in the future.

4. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

c. Regulations

New Development

1. New development shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent development that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties or restrict channel migration in Channel Migration Zones is prohibited. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

2. New development, including single-family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below are met:

   a. The need to protect the development from damage due to erosion caused by natural processes, such as currents, waves, and by manmade processes such as boat wakes, is demonstrated through a geotechnical report.

   b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

   c. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.

   d. The structure will not result in a net loss of shoreline ecological functions.

3. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis by a geotechnical engineer or related professional licensed and in good standing in the State of Washington.

New or expanded shoreline stabilization measures

4. New stabilization measures are not allowed except to protect or support an existing or approved development, as necessary for human safety , for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit is prohibited.

5. New or replacement structural shoreline stabilization measures are allowed on Green River shorelines for necessary flood hazard reduction provided that all feasible steps are taken to minimize adverse impacts to the natural environment. The structures must be in conformance with a City-approved flood hazard reduction program.

6. New or enlarged structural shoreline stabilization measures for an existing development or residence shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis (see definition in Chapter 6), that the structure is in danger from shoreline erosion caused by currents, waves, or boat wakes. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis by a licensed geotechnical engineer or related licensed professional, is not demonstration of need. The geotechnical report must include estimates of erosion rates and damage within three years and must evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement and low impact development measures as a means of reducing undesirable erosion.

7. “Hard” structural shoreline stabilization measures, such as bulkheads, are not allowed unless the applicant can demonstrate through a geotechnical analysis that “soft” structural measures such as vegetation or beach enhancement, or nonstructural measures, such as additional building setbacks, are not feasible.

8. Where structural shoreline stabilization measures are demonstrated to be necessary, as described in subsections c.6 and 7 above, the size of stabilization measures shall be limited to the minimum necessary. The City’s Shoreline Administrator may require that the proposed structure be altered in size or design or impacts otherwise mitigated. Impacts to sediment transport shall be avoided or minimized.

9. The City’s Shoreline Administrator will require mitigation of adverse impacts to shoreline functions in accordance with the mitigation sequence defined in Chapter 3 Section B.4 of the General Provisions. The City’s Shoreline Administrator may require the inclusion of vegetation conservation, as described in Chapter 3 Section B.11, as part of shoreline stabilization, where feasible. In order to determine

acceptable mitigation, the City's Shoreline Administrator may require the applicant to provide necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

10. Shoreline stabilization measures that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM.

11. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to pre-project conditions to the greatest extent possible. Vegetation conservation measures, including the planting of native vegetation along the shoreline, are a condition of all new bulkhead and replacement construction. Plantings shall consist of native grasses, shrubs, and trees as approved by the City's Shoreline Administrator in keeping with preexisting or typical naturally occurring bank vegetation. Vegetation shall be fully reestablished within three years. All revegetation projects shall include a program for monitoring and maintenance. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.

12. New or expanded shoreline stabilization measures in channel migration zones require a thorough analysis performed by a licensed geologist with an appropriate specialty license and fluvial geomorphic experience, in addition to a professional engineer, to ensure that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

<u>Replacement and Repair</u>

13. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents or waves and a nonstructural measure is not feasible. At the discretion of the City's Shoreline Administrator, the demonstration of need does not necessarily require a geotechnical report by a geotechnical engineer or related professional licensed and in good standing in the State of Washington. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

14. When an existing bulkhead is being repaired or replaced by construction of a vertical wall fronting the existing wall, it shall be constructed no farther waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM.

Design of Shoreline Stabilization Measures

15. Bulkhead design and development shall conform to all other applicable City and state agency policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.

16. Gabions (wire mesh filled with concrete or rocks) are prohibited, except as a Conditional Use where it is determined that gabions are the least environmentally disruptive method of shoreline stabilization.

17. Stairs and other allowed structures may be built as integral to a bulkhead but shall not extend waterward of the bulkhead or structure unless it is necessary to access the shoreline or a use or structure is otherwise allowed over water.

18. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.

19. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.

20. Materials and dimensional standards:

    a. New bulkheads and other shoreline stabilization structures shall not be constructed higher than 24 inches (twenty-four inches) above the OHWM or, if the bulkhead is set back from the shoreline, 24 inches above grade at the base of the bulkhead or structure. On steep slopes, new bulkheads may be built taller than 24 inches high if necessary to meet the existing slope. Replacement bulkheads may be built to the height of the original bulkhead.

       Exception: The City's Shoreline Administrator may waive this provision for flood hazard minimization measures conforming to this SMP.

    b. While structural materials are not the preferred method of shoreline stabilization, if structural shoreline measures are allowed according to subsections c.6 and 7 above, the following are examples of acceptable materials for shoreline stabilization structures, listed in order of preference from top to bottom:

i. Large stones, with vegetation planted in the gaps. Stones should not be stacked steeper than 2 horizontal to 1 vertical slope.

ii. Timbers or logs. Note the prohibition against toxic wood treatments.

iii. Stacked masonry units (e.g., interlocking cinder block wall units).

iv. Cast-in-place reinforced concrete.

c. The following materials are not acceptable for shoreline stabilization structures:

i. Degradable plastics and other nonpermanent synthetic materials.

ii. Sheet materials, including metal, plywood, fiberglass, or plastic.

iii. Broken concrete, asphalt, or rubble.

iv. Car bodies, tires or discarded equipment.

21. Fill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.

<u>Bioengineering</u>

22. Bioengineering projects shall use native trees, shrubs, and grasses or ground cover, unless such an approach is not feasible.

23. All bioengineering projects shall include a program for monitoring and maintenance.

3. Over-Water Structures - Including Piers and Docks, Floats, Boardwalks and Boating Facilities

a. Applicability

Over-water structures for moorage, boat-related, and other direct water-dependent uses or development, including docks, piers, boat launches, and swimming/diving platforms, public access boardwalks, fishing piers and viewpoints, in shoreline areas shall be subject to the following policies and regulations.

b. Policies

1. Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft.

2. New moorage, excluding docks accessory to single family residences, should be permitted only when the applicant/proponent has

demonstrated that a specific need exists to support the intended water-dependent or public access use.

3. To minimize continued proliferation of individual private moorage, reduce the amount of over-water and in-water structures, and reduce potential long-term impacts associated with those structures, shared moorage facilities are preferred over single-user moorage. New subdivisions of more than two (2) lots and new multifamily development of more than two (2) dwelling units should provide shared moorage.
4. Docks, piers, and other water-dependent use developments including those accessory to single family residences, should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.
5. Moorage and other water-dependent use developments should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.
6. Moorage and other water-dependent use developments should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of over-water structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.
7. Moorage and other water-dependent use developments should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

c. Regulations

General Regulations for Private and Public Structures

1. All new, reconstructed, repaired, or modified over-water structures shall be allowed only in support of an allowed water dependent use and must comply with all other regulations as stipulated by State and Federal agencies.
2. All moorage and other over-water structures shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.
3. Proposed private over-water structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.
4. No portion of the deck of a pier shall, during the course of the normal fluctuations of the elevation of the waterbody, protrude more than five (5) feet above the OHWM.

5. Docks, piers, and other developments for water-dependent uses shall be located at least ten (10) feet from the extended side property lines, except for joint-use structures which may abut property lines provided the adjacent property owners have mutually agreed to the structure location in a contract recorded with the King County Recorder's Office and provided to the City of Kent Planning Department with the appropriate applications for the structure.
6. No residential use may occur over water, including houseboats, live-aboards, or other single- or multi-family dwelling units.
7. Only piers and ramps are permitted in the first 30 feet of the OHWM. All floats, ells and fingers must be at least 30 feet waterward of the OHWM.
8. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.
9. No skirting is permitted on any structure except to contain or protect floatation material.
10. All piers, docks, floats, and similar structures shall float at all times on the surface of the water or shall be of fixed-pile construction. Floating structures shall at no time rest on the lake substrate.
11. All over-water structures and other water-dependent use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
12. Lighting associated with overwater structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.
13. Piles, floats and other over water structures that are in direct contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol. Use of wood members treated with arsenate compounds or creosote is prohibited.
14. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.
15. Covered moorage, boathouses, or other walled covered moorage are prohibited.
16. If a dock is provided with a safety railing, such railing shall not exceed 36 inches in height and shall be an open framework that does

not unreasonably interfere with shoreline views of adjoining properties.

17. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.

New Private Piers

18. A new private pier or dock may be permitted on lots owned for residential or for private recreational use, provided:
    a. The applicant has demonstrated a need for moorage.
    b. The applicant has demonstrated to the satisfaction of the Shoreline Administrator that a shared or joint-use pier is not feasible.
        i. On lots with less than fifty (50) feet of waterfront, joint-use piers shall be required, except when both lots abutting the subject lot have legal pre-existing piers or docks and the applicant provides written verification from the owners of the adjacent lots that they will not consent to a shared use agreement. Only in this case may the lot with less than fifty (50) feet of waterfront be permitted an individual pier.
        ii. On waterfront lots subdivided to create additional waterfront lots, upland lots with waterfront access rights, or lots with waterfront multifamily development, joint-use piers shall be required. One joint-use pier is allowed per 60 feet of shoreline frontage.
    c. No more than one (1) pier for each single-family residence or private recreational lot is permitted.
19. A new, joint-use pier may be permitted on a community recreation lot shared by a number of waterfront or upland lots provided the applicant has demonstrated a need for moorage or other allowed water-dependent use.
20. New floating docks located within the first 30 feet of shoreline measured waterward of the OHWM are prohibited. Piers that terminate in a waterward float are allowed provided that the landward edge of the float is over water with a depth of eight (8) feet or more and is at least 30 feet waterward of the OHWM. All float tubs shall be fully encapsulated.
21. Development Standards for New Piers
    a. Length.
        i. The maximum waterward intrusion of any portion of the pier shall be the point where water depth reaches 12 feet as measured from the ordinary high water mark. If the water

depth reaches 12 feet within 40 feet of the OHWM, then a 40-foot pier may be allowed. In no case may a pier be shorter than 40 feet or longer than 100 feet. (Note: The 12-foot depth is to accommodate the 3- to 4-foot fluctuation in water depth caused by storm water management practices.)

ii. The maximum length of ells, fingers and floats is 20 feet. Additionally, the maximum extent of all piers, docks and floats as measured parallel to the shoreline shall not be greater than 50% of the lot width measured along the shoreline.

b. Width.

i. The maximum width of a pier walkway is four (4) feet for the first 30 feet waterward of the OHWM and six (6) feet for the remainder of the walkway.

ii. The maximum width of ells and floats is six (6) feet.

iii. Any additional fingers must be no wider than two (2) feet.

iv. The maximum width of a ramp connecting a pier to a float is four (4) feet.

c. Area. Surface coverage of private residential piers, including all floats, ramps, ells and fingers, shall be limited to the following:

i. Four hundred twenty (420) square feet for a single property owner;

ii. Six hundred sixty (660) square feet for a joint-use structure utilized by two residential property owners; or

iii. Seven hundred forty (740) square feet for a joint-use structure utilized by three or more residential property owners.

d. Decking: All new piers must be fully grated. Decking shall have a minimum open space of 40%, and shall result in at least 60% ambient light beneath the pier.

e. Piles. Piles shall be either maximum 5-inch-diameter steel or 5-inch-diameter untreated wood, and shall be spaced a minimum of 12 feet apart except when shown not to be feasible for site-specific engineering or design considerations.

f. Pier Spacing. Piers, including fingers, ells, floats, boatlifts, or canopies, shall be spaced a minimum of 20 feet from adjacent piers or 10 feet from the side yard, whichever distance provides the maximum separation between piers.

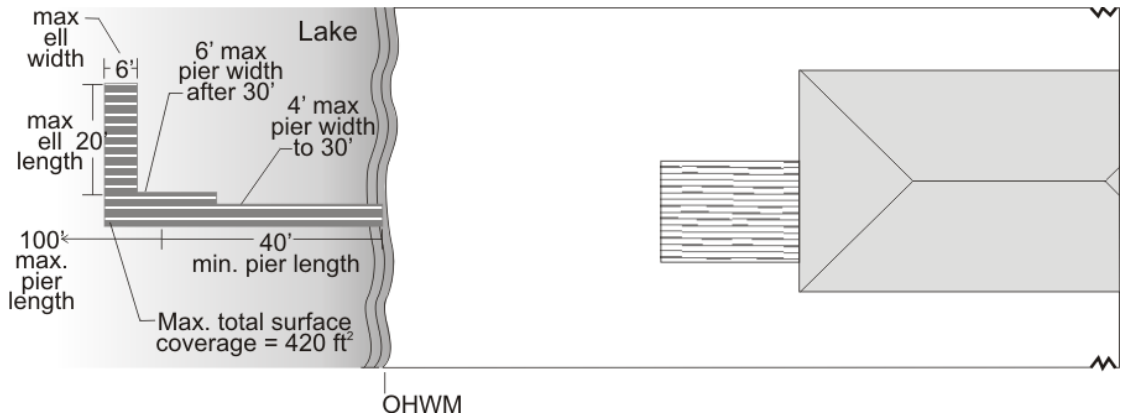


Figure 2. Development dimensional standards for new private piers.

Replacement of Existing Private Pier or Dock

22. Proposals involving replacement of the entire private pier or dock, or 50 percent or more of the pier-support piles can be replaced up to 100% of the size of the existing pier or dock and shall comply with the following standards:

    a. Decking: All replacement piers must be fully grated as described in subsection c.21.d. above.

    b. Replacement piles must be sized as described above under 22.e, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.

Additions to Private Pier or Dock

23. Additions to existing piers or docks may be permitted under the following circumstances:

    a. When additional length is required to reach 10 feet of water depth as measured at the ordinary high water mark (OHWM);

    b. When a single-use pier is converted to a joint-use pier; or

    c. When the addition of an ell or finger will increase safety and usability.

24. When proposed additions to a private residential pier result in a pier that does not exceed the maximum total square footage allowances, the addition must comply with the dimensional and material standards described above in subsection c.21.

25. When proposed additions to a private residential pier result in a pier that exceeds the maximum total square footage allowances described above, the addition may be approved as a Variance and subject to the following provisions:

    a. The applicant must remove any in-water structures rendered obsolete by the addition;

b. The additional length of walkway or ell must be 4 feet wide;

c. The decking on any pier element (i.e. pier walkway, ell, float, etc.) exceeding 8 feet in width must be fully grated as described in subsection c.21.d. above; and

d. Any proposed new piles must comply with standards under subsection c.21.e. above.

Repair of Existing Private Pier or Dock

26. Repair proposals which replace less than 50 percent of the existing pier-support piles must comply with the following:

    a. If the width of pier element is wider than 8 feet in the area where the piles will be replaced, the decking that would be removed in order to replace the piles shall be replaced with grated decking as described in subsection c.21.d. above.

    b. Replacement piles must be sized as described above under subsection c.21.e. above, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.

27. Repair proposals which replace 50 percent or more of the decking on any pier element (i.e. pier walkway, ell, float etc.) greater than 8 feet wide must use grated decking for the entire portion of that element that is wider than 8 feet as described in subsection c.21.d. above.

28. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations.

29. If the cumulative repair proposed over a three-year period exceeds thresholds established in subsection c.22 above, the current repair proposal shall be reviewed under subsection c.22 above.

Boatlifts, Boatlift Canopies, and Covered Moorage

30. Boatlifts and boatlift canopies may be permitted as an accessory to residential development provided that:

    a. Boatlifts are movable equipment employed to temporarily lift boats above the water for protection and storage. Residential piers may have one boatlift per single-family lot having legal use of the structure.

    b. All lifts are placed as far waterward as feasible and safe, within the limits of the dimensional standards for docks in this chapter.

    c. Boatlift canopies must not be constructed of permanent structural material. The bottom of a boatlift canopy is elevated above the boatlift to the maximum extent practicable, the lowest edge of

the canopy must be at least 4 feet above the ordinary high water mark, and the top of the canopy must not extend more than 4 feet above the adjacent pier.

d. Boatlift canopies must be made of translucent fabric material.

e. Any platform lifts are fully grated.

f. The lifts and canopies comply with all other regulations as stipulated by State and Federal agencies.

g. Covered moorage. No covered pier, covered float, or other covered structure is permitted waterward of the ordinary high water mark.

Boat Launches

31. The maximum waterward intrusion of any portion of any launching ramp or lift station shall be the point where the water depth is eight (8) feet below the ordinary high water mark.

32. Boat ramps are only permitted for public access, public or joint recreational uses, and emergency access. Any asphalt or concrete launch that solidly covers the substrate below the ordinary high water mark are not permitted accessory to private residential uses.

33. Launching rails are prohibited.

Recreational Floats/Swim Platforms

34. A maximum of eight new recreational floats/swim platforms are allowed on Lake Meridian, as of the date of adoption of this SMP. No new recreational floats/swim platforms are allowed on Lake Fenwick or Panther Lake. All new recreational floats on Lake Meridian are subject to the following:

    a. New floats/platforms shall be up to a maximum of 150 square feet.

    b. New floats shall be located:

        i. In water with a depth of 10 feet or more measured from ordinary high water mark at the landward end of the float and may be located up to a maximum waterward distance of 150 feet, whichever is reached first.

        ii. So as not to constitute a hazard to navigation or other public use of the water.

    c. Floats/platforms shall be designed and intended for swim use or other non-motorized, but water-oriented, use.

    d. Height. Floats/platforms must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for nighttime visibility.

e. Retrieval lines shall not float at or near the surface of the water.

f. All float tubs shall be fully encapsulated.

35. Existing recreational floats/swim platforms on all lakes may be repaired and/or replaced subject to the standards in 34.b – f. above in addition to the following:

    a. Replacement floats shall be of the same size as the existing float up to a maximum of 150 square feet.

Public Over-Water Structures – including Docks and Piers

36. Existing public over-water structures such as docks, piers, or boardwalks may be repaired and/or replaced in the same location as the existing structure.

37. Existing public over-water structures may be reconfigured if the total overwater coverage and the total length are not increased. Reconfigured portions of structures shall be subject to the standards under 38c. and 38d. If otherwise nonconforming, such structures shall not increase the extent of nonconformity.

38. Public over-water structures may be expanded in size subject to the following:

    a. The existing structure is not large enough to support the intended use.

    b. The applicant must remove any in-water structures rendered obsolete by the expansion.

    c. Piles. Piles shall be either maximum 6-inch-diameter galvanized steel or 6-inch-diameter untreated wood, and shall be spaced a minimum of 12 feet apart except when shown not to be feasible for site-specific engineering or design considerations.

    d. At no point shall any new portion of the pier exceed 12 feet in width. Areas of pier over 8 feet in width shall provide grating for the remaining width, up to 12 feet maximum.

    The length of the pier is the minimum necessary to accommodate the intended public usage of the pier.

39. New public docks or piers may be permitted if a specific need exists to support the intended water-dependent uses. If a public entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the City and consistent with the SMP, it may serve as the necessary justification for pier design, size, and construction.

40. New public over-water structures shall be subject to the standards under 38c. through 38e.

4. Fill

a. Applicability

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

b. Policies

1. Fills waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal of contaminated sediments, and other water-dependent uses that are consistent with this SMP.
2. Shoreline fill should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.

c. Regulations

1. Fill waterward of OHWM requires a Conditional Use Permit and may be permitted only when:
   a. In conjunction with a water-dependent or public use permitted by this SMP;
   b. In conjunction with a levee, bridge, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
   c. As part of an approved shoreline restoration project.
2. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.
3. Fills are **prohibited** in floodplains where they would alter the hydrologic characteristics, flood storage capacity, or inhibit channel migration that would, in turn, increase flood hazard or other damage to life or property. Fills are **prohibited** in floodway, except when approved by Conditional Use permit and where required in conjunction with a proposed water-dependent or other use specified in Regulation No. 2 above.
4. Fill shall be permitted only where it is demonstrated that the proposed action will not:

a. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or

b. Adversely alter natural drainage and circulation patterns, currents, river flows or significantly reduce flood water capacities.

c. Alter channel migration, geomorphic, or hydrologic processes.

5. Environmental cleanup action involving excavation/fill, as authorized by the City's Shoreline Administrator, may be permitted.

6. Sanitary fills shall not be located in shoreline jurisdiction.

7. Fills waterward of the ordinary high water mark that are for the purpose of restoring ecological functions are a permitted use and do not require a conditional use permit.

5. Dredging and Disposal

a. Applicability

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated marsh, bog or swamp. Activities which may require dredging include the construction and maintenance of navigation channels, levee construction, recreation facilities, boat access, and ecological restoration.

Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the by-products of dredging.

b. Exemptions

Pursuant to WAC 173-27-040, dredging or dredge disposal actions may be exempt from the requirement for a shoreline substantial development permit, but may still require a conditional use or variance permit.

c. Policies

1. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.

2. When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.

3. Disposal of dredge material within a channel migration zone shall be discouraged. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

d. Regulations

General

1. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:
   a. Result in significant or ongoing damage to water quality, fish, and shoreline habitat;
   b. Adversely alter natural drainage and circulation patterns, currents, river flows, channel migration processes or significantly reduce flood water capacities; or
   c. Cause other significant ecological impacts.
2. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.
3. Dredging and dredge disposal shall not occur in wetlands, except as authorized by Conditional Use permit as a shoreline restoration project.
4. Dredging and dredge disposal shall be carefully scheduled to protect biological productivity (e.g. fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
5. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
6. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
7. Dredging shall be permitted only:
   a. For navigation or navigational access and recreational access;
   b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
   c. As part of an approved habitat improvement project;
   d. To improve water quality;
   e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;

f. To improve water flow or manage flooding only when consistent with an approved flood/storm water comprehensive management plan; or

g. To clean up contaminated sediments.

8. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.

9. New dredging activity is prohibited:

   a. In shoreline areas with bottom materials which are prone to significant sloughing and refilling due to currents, resulting in the need for continual maintenance dredging, except by Conditional Use permit; and

   b. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife.

10. Dredging for the primary purpose of obtaining material for landfill is prohibited.

11. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.

12. Maintenance dredging of established navigation channels, public access facilities and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

<u>Regulations -- Dredge Material Disposal</u>

13. Depositing clean dredge materials in water areas shall be allowed only by Conditional Use permit for one or more of the following reasons:

    a. For wildlife habitat improvement or shoreline restoration; or

    b. To correct problems of material distribution adversely affecting fish and wildlife resources.

14. Where the City's Shoreline Administrator requires, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species and other compatible plants shall be used in the revegetation.

15. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this SMP.

16. The City's Shoreline Administrator may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffers at land disposal or transfer sites in order to protect the public safety and other lawful interests from unnecessary adverse impacts.

17. Disposal of dredge material within a channel migration zone shall require a conditional use permit. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

6. Shoreline Restoration and Ecological Enhancement

a. Applicability

Shoreline restoration and ecological enhancement are the improvement of the natural characteristics of upland or submerged shoreline using native materials. The materials used are dependent on the intended use of the restored or enhanced shoreline area. An Ecological Restoration Plan accompanies this SMP and recommends ecological enhancement and restoration measures.

b. Policies

1. The City should consider shoreline enhancement as an alternative to structural shoreline stabilization and protection measures where feasible.
2. All shoreline enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
3. Where possible, shoreline restoration should use maintenance-free or low-maintenance designs.
4. The City should pursue the recommendations in the shoreline restoration plan prepared as part of this SMP update. The City should give priority to projects consistent with this plan.
5. Shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.

c. Regulations

1. Shoreline enhancement may be permitted if the project proponent demonstrates that no significant change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.
2. Shoreline restoration and enhancement projects shall use best available science and management practices.
3. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.
4. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:
    a. The project's purpose is the restoration of natural character and ecological functions of the shoreline, and

b. It is consistent with the implementation of a comprehensive restoration plan approved by the City's Shoreline Administrator, or the City's Shoreline Administrator finds that the project provides an ecological benefit and is consistent with this SMP.

5. The City may grant relief from SMP development standards and use regulations resulting from shoreline restoration projects consistent with criteria and procedures in WAC 173-27-215.

7. Dikes and Levees

a. Applicability

Dikes and levees are manmade earthen embankments utilized for the purpose of flood control, water impoundment projects, or settling basins.

b. Policies

1. Dikes and levees should be constructed or reconstructed only as part of a comprehensive flood hazard reduction program
2. Environmental enhancement measures should be a part of levee improvements.

c. Regulations

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Washington State Department of Fish and Wildlife Hydraulic Project Approval, federal levee criteria, and in consideration of resource agency recommendations.
2. Dikes and levees shall protect the natural processes and resource values associated with streamways and deltas, including, but not limited to, wildlife habitat.
3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
4. Dikes and levees shall not be placed in the floodway, except for current deflectors necessary for protection of bridges and roads.
5. Public access to shorelines and aesthetics should be integral considerations of all levee improvement projects. Public access shall be provided in accordance with public access policies and regulations contained herein. New dikes or levees must not impede or diminish public access on the Green River Trail. Fisherman access should be combined with levee maintenance access to meet access needs for fishing equipment. The City of Kent will work with the Muckleshoot Tribe to ensure that permitted projects do not impede in-water or upland tribal fishing access.

6. In the aquatic environment, dikes and levees shall only be authorized by Conditional Use permit, and shall be consistent with the 2013 King County Flood Hazard Management Plan, as amended.
7. Dikes and levees shall be set back at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion, if feasible.
8. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
9. Underground springs and aquifers shall be identified and protected.
10. Where feasible, the construction, repair, or reconstruction of dikes or levees shall include environmental restoration. The Kent Restoration Plan accompanying this SMP provides guidance the City's Shoreline Administrator will use in determining the amount and type of restoration required.

CHAPTER 5

Shoreline Use Provisions

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction.

B. Shoreline Use and Development Standards Matrices

The following matrices (Table 6 and Table 7) indicate the allowable uses and some of the standards applicable to those uses and modifications. Where there is a conflict between the matrices and the written provisions in Chapters 3, 4, or 5 of this SMP, the written provisions shall apply. The numbers in the matrices refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated use or shoreline environment designation.

Table 6. Shoreline Use Matrix

P = May be permitted
C = May be permitted as a conditional use only
X = Prohibited; the use is not eligible for a variance or conditional use permit[11]
N/A = Not applicable

SHORELINE USE	Natural-Wetlands	High-Intensity	Urban Conservancy - Open Space[12]	Urban Conservancy - Low intensity[12]	Shoreline Residential	Aquatic[13]
Agriculture	X	P[10]	P[10]	P	P[10]	X
Aquaculture	X	X	X	X	X	X
Boating facilities[14]	X	P	P	X	P	P
Commercial:						
Water-dependent	X	P	P[1]	P[9]	X	X
Water-related, water-enjoyment	X	P	P[1]	P[9]	X	X
Nonwater-oriented	X	C[4]	X	C[4,9]	X	X
Flood hazard management	X	P	P	P	P	C
Forest practices	X	X	X	X	X	X
Industrial:						
Water-dependent	X	P	X	X	X	X

P = May be permitted
C = May be permitted as a conditional use only
X = Prohibited; the use is not eligible for a variance or conditional use permit[11]
N/A = Not applicable

SHORELINE USE	Natural-Wetlands	High-Intensity	Urban Conservancy - Open Space[12]	Urban Conservancy - Low intensity[12]	Shoreline Residential	Aquatic[13]
Water-related, water-enjoyment	X	P	X	X	X	X
Nonwater-oriented	X	P[4]	X	X	X	X
In-stream structures	C	C	C	C	C	C
Mining	X	X	X	X	X	X
Parking (accessory)	X	P	P[2]	P[2]	P	X
Parking (primary, including paid)	X	X	X	X	X	X
Recreation:						
Water-dependent	P[3]	P	P	P	P	P
Water-enjoyment	P[3]	P	P	P	P	X
Nonwater-oriented	X	P[4]	P[4]	C[4]	P	X
Single-family residential	X	X	X	P[8]	P	X
Multifamily residential	X	P	X	C	P	X
Land subdivision	P	P	P[5]	C	P	X
Signs:						
On premises	X	P	P[6]	C	X	X
Off premise	X	X	X	X	X	X
Public, highway	X	P	P	P	X	X
Solid waste disposal	X	X	X	X	X	X
Transportation:						
Water-dependent	X	P	P	P	C	P
Nonwater-oriented	X	P	C	C	P	C[7]
Roads, railroads	C[7]	P	P[7]	P[7]	P	C[7]
Utilities (primary)	C[7]	P	P[7]	P[7]	P	C[7]

Use Matrix Notes:

1. *Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.*
2. *Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the City.*
3. *Passive activities, such as nature watching and trails, that require little development with no significant adverse impacts may be allowed.*

4. *Nonwater-oriented uses may be allowed as a permitted use where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.*
5. *Land division is only allowed where the City determines that it is for a public purpose.*
6. *Signs are allowed for public facilities only.*
7. *Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the City, and all significant adverse impacts are mitigated.*
8. *Residences are allowed in shoreline jurisdiction only if it is not feasible, as determined by the City, to locate the building on the portion of the property outside shoreline jurisdiction.*
9. *Commercial uses are only permitted as part of a residential PUD of at least 100 acres, located within an SR zone, or at least 10 acres for residential PUDs located in other zones. Commercial uses shall be limited to those uses permitted by Title 15 KCC, as amended, in the neighborhood convenience commercial district.*
10. *Crop and tree farming only. See Section 15.04.130 KCC, as amended.*
11. *For the treatment of existing nonconforming development, see Chapter 7 Section E.*
12. *Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report).*
13. *Uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.*
14. *Marinas are prohibited.*

Table 7. Shoreline Development Standards Matrix

Table 7 identifies shoreline development standards, organized by development type and environment designation. See Chapter 3 Section B.1.c.7 for setbacks to accommodate future Green River levee reconstruction. For height regulations, see Chapter 15.04 KCC, as amended, for the underlying zoning district.

DEVELOPMENT STANDARDS *(See also section cited in parentheses)*	**Natural-Wetlands**	**High-Intensity**	**Urban Conservancy - Open Space**	**Urban Conservancy - Low Intensity**	**Shoreline Residential**	**Aquatic**
Commercial Development *(Ch. 5 Sec. C.4)*						
Water-dependent setback	N/A	0	0	0	N/A	N/A
Water-related, water-enjoyment setback[3]	N/A	30'[1]	30'[1]	50'[1]	N/A	N/A
Nonwater-oriented setback[3]	N/A	70'[1]	70'[1]	100'[1]	N/A	N/A
Industrial Development *(Ch. 5 Sec. C.5)*						
Water-dependent *(Ch. 5. Sec C.5.c.9)*	N/A	0	N/A	N/A	N/A	N/A
Water-related and water-enjoyment[3] *(Ch. 5 Sec.C.5.c.9)*	N/A	50'[1]	N/A	N/A	N/A	N/A
Nonwater-oriented[3] *(Ch. 5. Sec. C.5.c.9)*	N/A	100'[1]	N/A	N/A	N/A	N/A
Accessory Parking *(Ch. 3 Sec. B.6)*						
Setbacks[3]	N/A	70'[1]	70'[1]	70'[1]	N/A[2]	N/A
Recreational Development						
Water-dependent park structures setback	N/A	0	0	0	N/A	N/A
Water-related, water enjoyment park structures setback	N/A	20'	20'	20'	N/A	N/A
Nonwater-oriented park structures setback[3] *(Ch. 5 Sec. C.7.c.4)*	N/A	70'[1]	70'[1]	70'[1]	N/A	N/A
Miscellaneous						
New agricultural activities setback *(Ch. 5 Sec. C.2.c.4)*	N/A	20'[1]	20'[1]	20'[1]	20'[1]	N/A
Residential Development[3]	*See regulations in Ch. 5 Sec. C.8.c*					

Other provisions in this SMP also apply.

Development Standards Matrix Notes:

1. *The City may reduce this dimension if it determines that the type of development allowed within this SMP and other municipal, state, and federal codes cannot be accommodated within*

the allowed site development area by reconfiguring, relocating, or resizing the proposed development. Where the City reduces a requirement, compensatory mitigation, such as vegetation enhancement or shoreline armoring removal, must be provided as determined by the City.

2. *See regulation 5.C.8.c for residential development standards.3. The setback for all development, except water dependent development, on the Green River not separated from the shoreline by an existing or planned levee is 150 feet. See Chapter 3 Section B.1.c.7.*

C. Shoreline Use Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all uses in shoreline jurisdiction.

b. Policy

1. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.
2. The City should ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
3. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
4. The City should encourage the full use of existing urban areas before expansion of intensive development is allowed.

c. Regulations

1. Developments that include a mix of water-oriented and nonwater-oriented uses may be considered water-oriented provided the City's Shoreline Administrator finds that the proposed development does give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, are dependent on a shoreline location, or enhance the public's ability to enjoy the shoreline.
2. All uses not explicitly covered in the SMP require a conditional use permit. The City's Shoreline Administrator should impose conditions to ensure that the proposed development meets the policies of this SMP.
3. All development and uses must conform to all of the provisions in the SMP.
4. All development and uses shall conform to the shoreline use matrix and the development standards matrix in Section B of this chapter unless otherwise stated in this chapter.

5. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future stabilization will be required. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report).
6. As described in WAC 173-26-221 (3) (c), appropriate development may be allowed in areas landward of Green River Road because the road prevents active channel movement and flooding. This area is therefore not within a channel migration zone (refer to Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

2. Agriculture

a. Applicability

Agriculture includes, but is not limited to, the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 thorough 84.33.140; finfish in upland hatcheries, or livestock, that has long-term commercial significance.

Uses and shoreline modifications associated with agriculture that are identified as separate use activities in this program, such as industry, shoreline stabilization, and flood hazard management, are subject to the regulations established for those uses in addition to the standards established in this section for agriculture.

b. Policies

1. The creation of new agricultural lands by diking, draining, or filling marshes, channel migration zones, and associated marshes, bogs, and swamps should be prohibited.
2. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, provide shade, reduce flood hazard, and maintain habitat for fish and wildlife.
3. Animal feeding operations, retention and storage ponds, and feedlot waste and manure storage should be located out of shoreline jurisdiction and constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.
4. Appropriate farm management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.
5. Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration to ensure no net loss of ecological functions.

The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of an agricultural development.

c. Regulations

1. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
2. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within shoreline jurisdiction.
3. A buffer of natural or planted permanent native vegetation not less than 20 feet in width, measured perpendicular to the shoreline, shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The City's Shoreline Administrator shall determine the extent and composition of the buffer when the permit or letter of exemption is applied for.
4. Stream banks and water bodies shall be protected from damage caused by concentration and overgrazing of livestock. Provide fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation. Provide suitable bridges, culverts, or ramps for stock crossing.
5. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
6. Existing and ongoing agricultural uses may be allowed within a channel migration zone or floodway provided that no new restrictions to channel movement occur.
7. See Chapter 3 Section B.12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.

3. Boating Facilities

a. Applicability

Boating facilities include dry storage and wet-moorage types; boat launch ramps; covered moorage; boat houses; mooring buoys; and marine travel lifts. See also Chapter 4 Section C.3for residential and public pier and dock structures.

Accessory uses found in boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

There are uses and activities associated with boating facilities but that are identified in this section as separate uses (e.g., Commercial Development and Industrial Development, including ship and boat building, repair yards, utilities, and transportation facilities) or as separate shoreline modifications (e.g., piers, docks, bulkheads, breakwaters, jetties and groins, dredging, and fill). These uses are subject to the regulations established for those uses and modifications in addition to the standards for boating facilities established in this section.

This section does not apply to residential moorage serving an individual single-family residence. Chapter 4 Section C.3 does apply to single-family residential docks and piers.

b. Policies

1. Boating facilities should be located, designed, and operated to provide maximum feasible protection and restoration of ecological processes and functions and all forms of aquatic, littoral, or terrestrial life—including animals, fish, shellfish, birds, and plants—and their habitats and migratory routes. To the extent possible, boating facilities should be located in areas of low biological productivity.
2. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore ecological functions and to provide for water-dependent uses carries higher priority than protection of views.
3. Boat launch facilities should be provided at appropriate public access sites.
4. Existing public moorage and launching facilities should be maintained.

c. Regulations

1. It is the applicant's responsibility to comply with all other applicable state agency policies and regulations, including, but not limited to: the Department of Fish and Wildlife criteria for the design of bulkheads and landfills; Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10); U.S. Army Corps of Engineers dredging

standards (Section 404); and state and federal standards for the storage of fuels and toxic materials.

2. New boating facilities shall not significantly impact the rights of navigation on the waters of the state.

Location

3. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would necessarily occur.

4. Public launch ramps shall, where feasible, be located only on stable shorelines where:

   a. Water depths are adequate to eliminate or minimize the need for offshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other river, lake, harbor, and channel maintenance activities.

   b. There is adequate water mixing and flushing, and the facility is designed so as not to retard or negatively influence flushing characteristics.

   c. Adverse flood channel capacity or flood hazard impacts are avoided.

Design/Renovation/Expansion

5. Boating facilities shall be designed to avoid or minimize significant ecological impacts. The City's Shoreline Administrator shall apply the mitigation sequence defined in Chapter 3 Section B.4 in the review of boating facility proposals. On degraded shorelines, the City's Shoreline Administrator may require ecological restoration measures to account for environmental impacts and risks to the ecology to ensure no net loss of ecological function.

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of the proposed boating facility.

6. Boating facility design shall:

   a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water habitat.

   b. Minimize interference with geohydraulic processes and disruption of existing shoreline ecological functions.

7. Dry moorage shall require a Conditional Use permit.

8. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining

dissimilar uses or scenic areas. See Chapter 15.07 KCC, as amended, for landscape requirements.

9. Moorage of floating homes is prohibited.
10. New covered moorage is prohibited.

Boat Launches

11. Launch ramps shall be permitted only on stable, non-erosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.
12. Boat ramps shall be placed and kept as flush as possible with the foreshore slope to permit launch and retrieval and to minimize the interruption of hydrologic processes.

4. Commercial Development

a. Applicability

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities. Commercial nonwater-dependent recreational facilities, such as sports clubs and amusement parks, are also considered commercial uses. This category also applies to institutional and public uses such as hospitals, libraries, schools, churches and government facilities.

Uses and activities associated with commercial development that are identified as separate uses in this program include Mining, Industry, Boating Facilities, Transportation Facilities, Utilities (accessory), and Solid Waste Disposal. Piers and docks, bulkheads, shoreline stabilization, flood protection, and other shoreline modifications are sometimes associated with commercial development and are subject to those shoreline modification regulations in Chapter 4 in addition to the standards for commercial development established herein.

b. Policies

1. Multi-use commercial projects that include some combination of ecological restoration, public access, open space, and recreation should be encouraged in the High-Intensity Environment consistent with the City's Comprehensive Plan.
2. Where possible, commercial developments are encouraged to incorporate Low Impact Development techniques into new and existing projects.

c. Regulations

1. Water-oriented commercial developments may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standards Matrices."

2. Nonwater-oriented commercial developments may be permitted only where they are either separated from the shoreline by a structural levee designed to minimize flood hazard **or** where all three (3) of the following can be demonstrated:

   a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.

   b. The proposed development does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.

   c. The proposed development will be of appreciable public benefit by increasing ecological functions together with public use of or access to the shoreline.

3. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline's visual qualities, such as views to the waterfront and the natural appearance of the shoreline. To this end, the City's Shoreline Administrator may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit) or prescribe operation intensity and screening standards as deemed appropriate.

4. All new commercial development proposals will be reviewed by the City's Shoreline Administrator for ecological restoration and public access requirements consistent with Chapter 3 Section B.7. When restoration or public access plans indicate opportunities exist, the City's Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

   All new water-related and water-enjoyment development shall be conditioned with the requirement for ecological restoration and public access unless those activities are demonstrated to be not feasible. (See definition of "feasible.")

   All new nonwater-oriented development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration and/or public access required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of a commercial development.

5. All commercial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts, such as a view of loading doors or trash receptacles from the Green River Trail) and public access facilities, including the Green River Trail. At a minimum, parking and service areas shall be screened from the Green River Trail by a 15' strip of Type II landscaping as defined in Section 15.07.050 KCC,

as amended, that is able to provide a full visual screen within 5 years of planting. The City Shoreline Administrator may modify these landscaping requirements to account for reasonable safety and security concerns.

6. All new nonwater-oriented commercial development located adjacent to the Green River Trail shall provide the following:

   a. A minimum of 15' of Type II landscaping (as defined in Section 15.07.050 KCC, as amended) between the building and the shoreline. A sight obscuring fence is not required.

   b. A minimum of 20 ft^2 of transparent windows for every 50 lineal feet of building façade adjacent to the Green River Trail. The intent of this standard is to provide passive surveillance along the trail to promote safety and security.

   The City Shoreline Administrator may modify these landscaping requirements to account for legitimate safety and security concerns.

7. Commercial development and accessory uses must conform to the setback and height standards established in Section B "Development Standards Matrix" in this Chapter.

8. Low Impact Development (LID) techniques shall be incorporated where appropriate.

5. Industry

a. Applicability

Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi-finished goods. Included in industry are such activities as log storage, log rafting, petroleum storage, hazardous waste generation, transport and storage, ship building, concrete and asphalt batching, construction, manufacturing, and warehousing. Excluded from this category and covered under other sections of the SMP are boating facilities, piers and docks, mining (including on-site processing of raw materials), utilities, solid waste disposal, and transportation facilities.

Shoreline modifications and other uses associated with industrial development are described separately in this SMP. These include dredging, fill, transportation facilities, utilities piers and docks, bulkheads, breakwaters, jetties and groins, shoreline stabilization and flood protection, and signs. They are subject to their own regulations in Chapter 4 in addition to the provisions in this chapter.

b. Policies

1. Ecological restoration should be a condition of all nonwater-oriented industrial development.
2. Where possible, industrial developments are encouraged to incorporate Low Impact Development techniques into new and existing projects.

c. Regulations

1. The amount of impervious surface shall be the minimum necessary to provide for the intended use. The remaining land area shall be landscaped with native plants according to Chapter 3 Section B.11.c.5.
2. Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.
3. Storage and disposal of industrial wastes is prohibited within shoreline jurisdiction; PROVIDED, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.
4. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of those spills that do occur. The City's Shoreline Administrator may require specific facilities to support those activities as well as demonstration of a cleanup/spill prevention program.
5. Display and other exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface.
6. All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts) and public access facilities, including the Green River Trail. At a minimum, parking and service areas shall be screened from the Green River Trail by a 15' strip of Type II landscaping as defined in Section 15.07.050 KCC, as amended, that is able to provide a full visual screen within 5 years of planting. The City Shoreline Administrator may modify these landscaping requirements to account for reasonable safety and security concerns.
7. All new industrial development located adjacent to the Green River Trail shall provide the following:

   a. A minimum of 15' of Type II landscaping (as defined in Section 15.07.050 KCC, as amended) between the building and the shoreline. A sight obscuring fence is not required.

   b. A minimum of 20 ft^2 of transparent windows for every 50 lineal feet of building façade adjacent to the Green River Trail. The intent of this standard is to provide passive surveillance along the trail to promote safety and security.

   The City Shoreline Administrator may modify these landscaping requirements to account for reasonable safety and security concerns.
8. Low Impact Development (LID) techniques shall be incorporated where appropriate.

9. Ship and boat building and repair yards shall employ Best Management Practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Standards for BMPs are found in the City of Kent Surface Water Design Manual, as amended.

10. See Section B "Development Standards Matrix" of this Chapter for setback requirements. See also setback requirements in Chapter 3 Section B.1.c.7 to accommodate levee construction on the Green River.

6. In-Stream Structures

a. Applicability

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow. They typically are constructed for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreational, or fisheries enhancement.

In Kent, the only in-stream structures applicable are for water treatment or environmental restoration purposes, such as water treatment at the Green River Natural Resources Area.

b. Policies

1. In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. Within the City of Kent, in-stream structures should be allowed only for the purposes of environmental restoration or water quality treatment.

c. Regulations

1. In-stream structures are permitted only for the purposes of environmental restoration, water quality management, or maintenance of water levels.

2. The City's Shoreline Administrator may require that projects with in-stream structures include public access, provided public access improvements do not create adverse environmental impacts or create a safety hazard.

7. Recreational Development

a. Applicability

Recreational development includes public and commercial facilities for recreational activities such as hiking, photography, viewing, and fishing, boating, swimming, bicycling, picnicking, and playing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the "Commercial Development" and the "Recreational Development" sections. Primary activities such as boating facilities, resorts, subdivisions, and hotels are not addressed directly in this category.

Uses and activities associated with recreational developments that are identified as separate use activities in this SMP, such as "Boating Facilities," "Piers and Docks," "Residential Development," and "Commercial Development," are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

Commercial indoor nonwater-oriented recreation facilities, such as bowling alleys and fitness clubs, are addressed as commercial uses.

b. Policies

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
2. Recreational developments and plans should promote the conservation of the shoreline's natural character, ecological functions, and processes.
3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
4. Water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over nonwater-oriented recreational uses, such as field sports.
5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives.

6. Where appropriate, nonintensive recreational uses may be permitted in floodplain areas. Nonintensive recreational uses include those that do not do any of the following:
   a. Adversely affect the natural hydrology of aquatic systems.
   b. Create any flood hazards.
   c. Damage the shoreline environment through modifications such as structural shoreline stabilization or significant vegetation removal.
7. Opportunities to expand the public's ability to enjoy the shoreline in public parks through dining or other water enjoyment activities should be pursued.

c. Regulations

1. Water-oriented recreational developments and mixed-use developments with water-oriented recreational activities may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standard Matrices." In accordance with this matrix and other provisions of this SMP, nonwater-oriented recreational developments may be permitted only where it can be demonstrated that all of the following apply:
   a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or the site's separation from the water.
   b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
   c. The proposed use and development will appreciably increase ecological functions or, in the case of public projects, public access.
2. Accessory parking shall not be located in shoreline jurisdiction unless all of the following conditions are met:
   a. The City's Shoreline Administrator determines there is no other feasible option,
   b. The parking supports a water-oriented use, and
   c. All adverse impacts from the parking in the shoreline jurisdiction are mitigated.
3. All new recreational development proposals will be reviewed by the City's Shoreline Administrator for ecological restoration and public access opportunities. When restoration or public access plans indicate opportunities exist for these improvements, the City's Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the

project design be altered so that those opportunities are not diminished.

All new nonwater-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and, in the case of public developments, public access. The City's Shoreline Administrator shall consult the provisions of this SMP and determine the applicability and extent of ecological restoration and public access required.

4. Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.

5. See Chapter 3 Section 12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.

8. Residential Development

a. Applicability

Residential development means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, mobile home parks, residential subdivisions, residential short subdivisions, and residential planned unit development, together with accessory uses and structures normally applicable to residential uses, including, but not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

Single family residences are a preferred use under the Shoreline Management Act when developed in a manner consistent with this Shoreline Master Program.

b. Policies

1. Residential development should be prohibited in environmentally sensitive areas including, but not limited to, wetlands, steep slopes, floodways, and buffers.

2. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.

3. Recognizing the single-purpose, irreversible, and space consumptive nature of shoreline residential development, new development

should provide adequate setbacks or open space from the water to provide space for community use of the shoreline and the water, to provide space for outdoor recreation, to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.

4. Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.
5. Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.
6. New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
   a. Constructing shoreline stabilization structures (such as bulkheads).
   b. Causing significant erosion or slope instability.
   c. Removing existing native vegetation within 20 feet of the shoreline.

c. Regulations

Properties within Shoreline Jurisdiction on Lakes

1. A summary of regulations for residential properties within shoreline jurisdiction is presented in Table 8 below. Refer to written provisions within this section for exceptions and more detailed explanations. See also Chapter 3 Section B.11 for vegetation conservation provisions.

Table 8. Shoreline Regulations for Residential Properties on Lakes

	Regulation:
Standard Minimum Building Setback from OHWM	75 feet[1]
Standard Minimum Deck Setback from OHWM	50 feet
Maximum Impervious Surface	35%

[1] *Standard 2.a.i. discussed below requires the averaging of the setbacks of adjacent dwelling units with a minimum setback of 75 feet.*

2. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards:
   a. Setbacks:

i. Buildings: Set back all covered or enclosed structures and second story decks the average of the setbacks of existing houses on adjacent lots on both sides of the subject parcel, with a minimum setback of 75 feet from the OHWM. Setback distance shall follow the curvature of the OHWM. Where the City's Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the City's Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.

ii. Patios and decks: Uncovered patios or decks that are no higher than 2' above grade may extend a maximum of 25 feet into the building setback, up to within 50 feet of the OHWM. See Section d. below for exception to this requirement.

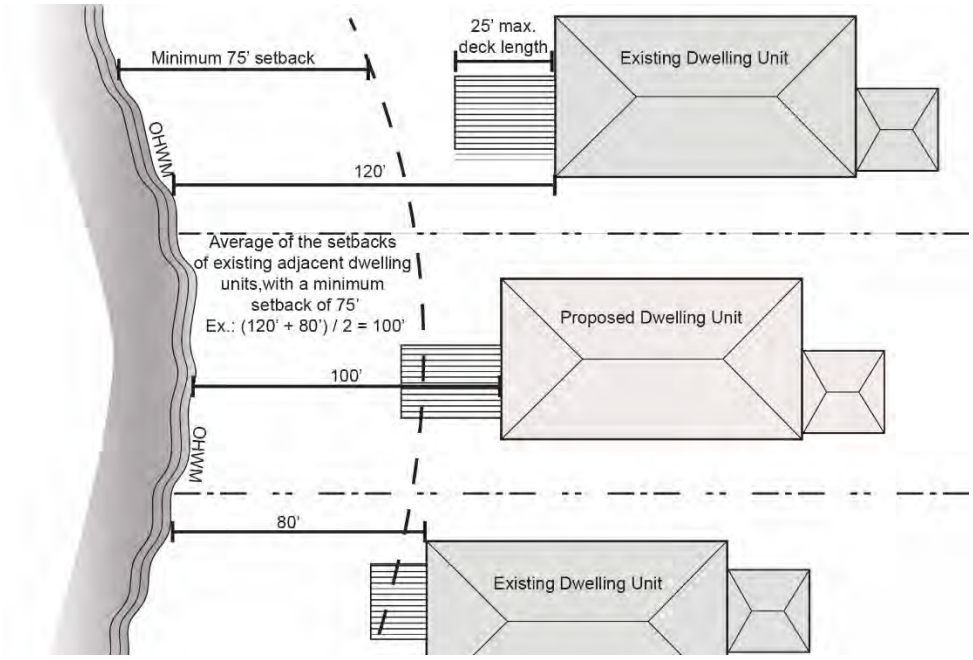
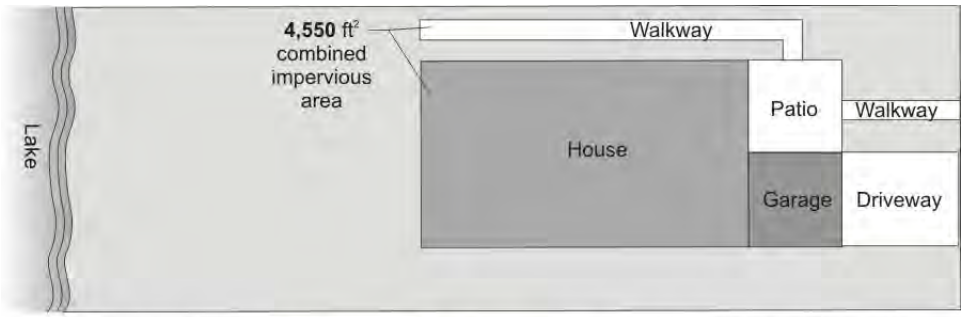


Figure 3. Standard setback from residential development on lakes.

b. Maximum amount of impervious surface: The maximum amount of impervious surface for each lot, including structures and pavement (including gravel surfaces) shall be no greater than 35 percent of the total lot area above OHWM.

In calculating impervious surface, pavers on a sand bed may be counted as 50 percent impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel. Pervious concrete and asphalt may be counted as per manufacturer's specifications. To calculate the net impervious surface, multiply the area of the pavement by the percentage of imperviousness.

The City may determine the percentage of imperviousness for pavements, such as compacted gravel, that are not specified here.



Maximum amount of impervious surface is 35%. With a 13,000 square foot lot (65'x200'), 4,550 square feet of combined impervious surface is allowed.

Figure 4. Illustration of maximum impervious surface.

c. Incentives to provide shoreline vegetation. The maximum amount of impervious surface area can be increased if native vegetation, including trees and shrubs, is included along the shoreline. For every five feet of vegetation depth (measured perpendicular to the shoreline) added along the OHWM, the percentage of total impervious surface area can increase by 2 percent, up to a maximum of 50 percent for total impervious surface area. Twenty-five percent of the native vegetated area may be left open for views and access.

All property owners who obtain approval for increase in the impervious surface cover in exchange for planting native vegetation must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

i. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,

ii. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and

iii. Includes a monitoring and maintenance program.

This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. A copy of the

recorded covenant shall be provided to the Shoreline Administrator.

d. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed along the shoreline provided:
   i. Waterfront deck or patio covers less than 25 percent of the shoreline frontage (width of lot measured along shoreline) and native vegetation covers a minimum of 75 percent of the shoreline frontage.
   ii. Within 25 feet of the shoreline, for every 1 square foot of waterfront deck or patio, 3 square feet of vegetated area shall be provided along the shoreline.
   iii. The total area of the waterfront deck or patio along the shoreline shall not exceed 400 square feet.
   iv. The deck or patio is set back 5 feet from the OHWM.
   v. The deck or patio is no more than 2 feet above grade and is not covered

   All property owners who obtain approval for a waterfront deck or patio in exchange for removing a bulkhead and retaining or planting native vegetation must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

   i. Requires the preparation of a revegetation plan
   ii. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,
   iii. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and
   iv. Includes a monitoring and maintenance program.

   This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.

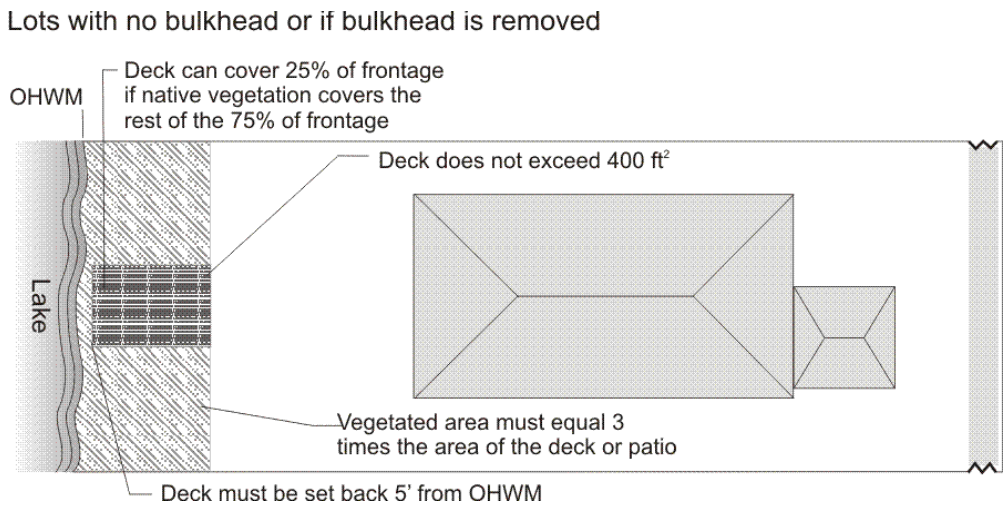


Figure 5. Waterfront deck bonus for lots with no bulkhead or if bulkhead is removed.

3. For new development on previously undeveloped lots, any existing native vegetation shall be retained along the shoreline to 20 feet from the OHWM. If little or no native vegetation exists on the previously undeveloped lot, native vegetation shall be planted along the shoreline to 20 feet from the OHWM. 25 percent of the required vegetated area can be cleared or thinned for view maintenance and waterfront access, provided 75 percent of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees "limbed up" from the bottom to eye level to provide views. In the 25 percent cleared area, pathways for access to the water are allowed.

   Property owners must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

   a. Requires the preparation of a revegetation plan

   b. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,

   c. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and

   d. Includes a monitoring and maintenance program.

   This plan shall be recorded as a covenant against the property after approval of the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.

   Property owners who provide more native vegetation than the minimum required can apply any additional vegetation over 20 feet to take advantage of the incentives described in subsection c.2.c above. For example, if 30 feet of vegetation is provided, 10 feet can

be applied to the calculations described in subsection c.2.c above, for a total increase in impervious surface area of 4%.

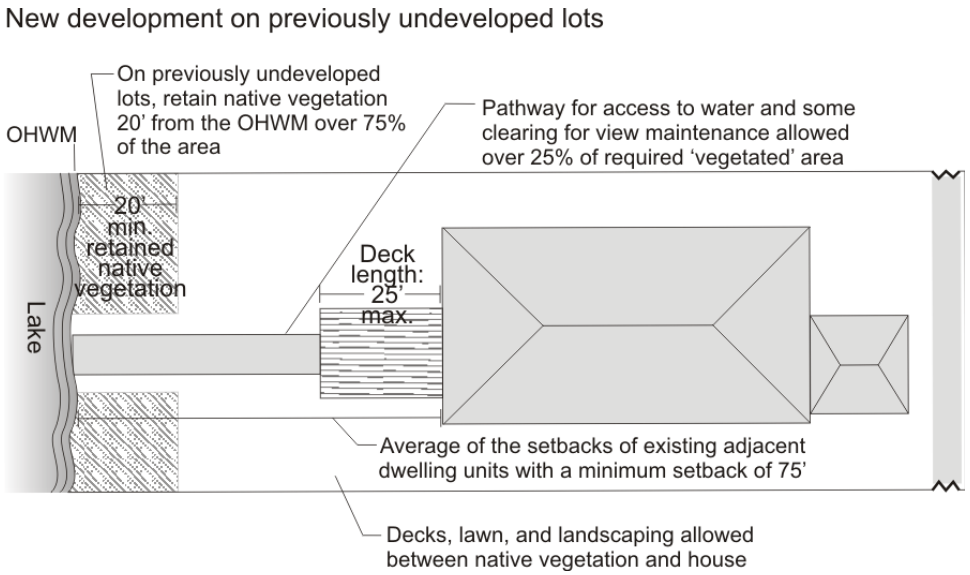


Figure 6. Standards for new development on previously undeveloped lots.

a. Maximum building footprint area: See Section 15.04.170 KCC, as amended.

b. Height: See Section 15.04.170 KCC, as amended.

c. Also see regulations for "Shoreline Stabilization" and "Docks and Floats" in Chapter 4 for those structures.

4. For the purposes of maintaining visual access to the waterfront, the following standards apply to accessory uses, structures, and appurtenances for new and existing residences.

   a. Fences:

      i. Fences within 75 feet of the OHWM shall be no more than 4 feet high when separating two residential lots.

      ii. Fences within 75 feet of the OHWM shall be no more than 6 feet high when separating a residential lot from public lands or community park.

      iii. Fences aligned roughly parallel to the shoreline and within 75 feet of the OHWM shall be no more than 4 feet high and shall be set back at least 25 feet from the OWHM.

      iv. Fences along a property line running roughly perpendicular to the shoreline may extend to the OHWM.

      v. The opaque portions (e.g., boards or slats) of a fence must not cover more than 60 percent of the fence. That is, when looking at a fence, not more than 60 percent of it may be opaque and at least 40 percent of the fence must be open. Chain link fences are not permitted within 75 feet of the OHWM.

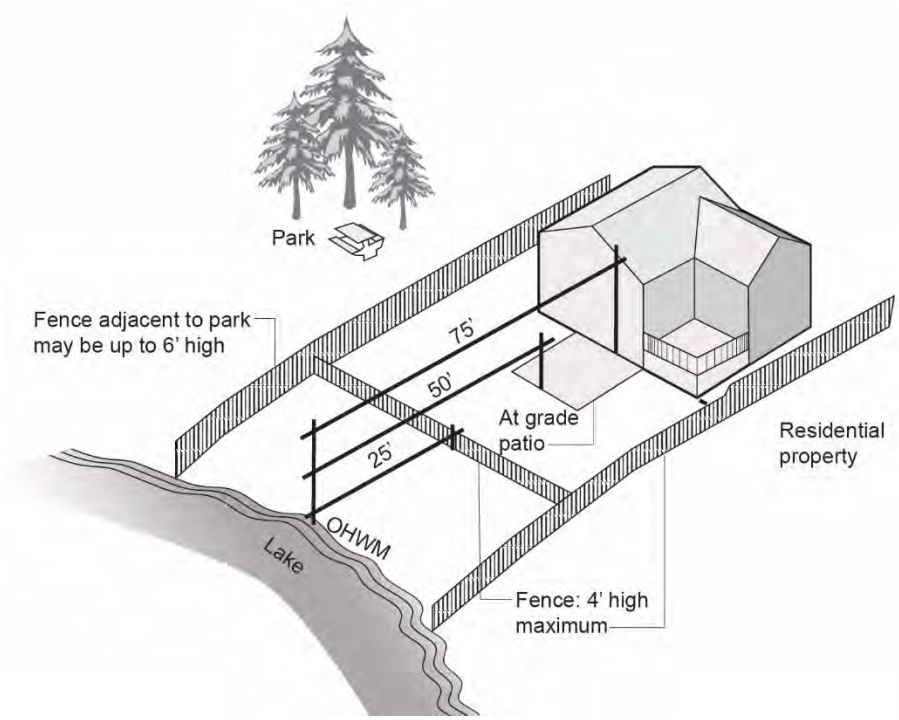


Figure 7. Fence standards for residential development on lakes.

b. Garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 75 feet from the OHWM.

5. Accessory uses and appurtenant structures not addressed in the regulations above shall be subject to the same conditions as primary residences.

6. The creation of new residential lots within shoreline jurisdiction on lakes shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:

   a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP.

   b. Adequate water, sewer, road access, and utilities can be provided.

   c. The intensity of development is consistent with the City's comprehensive plan.

   d. The development will not cause flood or geological hazard to itself or other properties.

   In addition, new residential development on new lots that contain intact native vegetation shall conform to the regulations of c.3.

above. (See also Vegetation Conservation standards section in Chapter 3 Section 11).

7. The storm water runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Kent Surface Water Design Manual, as amended.
8. See the Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.

Residential Properties within Shoreline Jurisdiction on Rivers and Streams

9. Table 9 below is a summary of regulations for Residential Properties within shoreline jurisdiction on rivers or streams:

Table 9. Regulations for Residential Properties within Shoreline Jurisdiction on Rivers or Streams

	Regulation:
Standard Minimum Building Setback	
Green River	140 feet[1]
Big Soos Creek	200 feet[2]
Springbrook Creek	NA[3]
Jenkins Creek	NA[3]
Standard Minimum Deck Setback	120 feet
Standard Maximum Height	See Kent Zoning Code

[1] *This setback is established on the Green River to allow for levee reconstruction and accompanying shoreline restoration. Buildings existing prior to the adoption of this SMP are considered an allowed and conforming use (see 10.a.i below).*

[2] *The City's Shoreline Administrator may reduce this setback on lots existing prior to the adoption of this SMP if it finds that such a setback prevents the development of a single-family residence (see 10.a.ii below).*

[3] *Springbrook Creek and Jenkins Creek do not have residential properties along the shoreline, nor does the zoning allow for future residential structures.*

10. New residential development within shoreline jurisdiction on rivers and streams shall adhere to the following standards:
    a. Setbacks:
        i. Buildings on the Green River: All covered or enclosed structures shall be set back a minimum of 140 feet to allow for levee reconstruction and environmental restoration. The City's Shoreline Administrator may revise this setback in accordance with levee reconstruction design. (See Chapter 3 Section B.1.c.7)
        ii. Buildings on Big Soos Creek: Set back all covered or enclosed structures a minimum of two hundred (200) feet inland from

the OHWM. Where the City's Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of the setback, the City's Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.

iii. Patios and decks: Uncovered patios or decks no higher than 2 feet above grade may extend up to within 120 feet of the OHWM.

b. Maximum building footprint area: See Section 15.04.170 KCC, as amended.

c. Maximum amount of impervious surface: See Section 15.04.170 KCC, as amended.

d. Height: See Section 15.04.170 KCC, as amended.

11. Also see regulations for "Shoreline Stabilization" and "Docks and Floats" in Chapter 4 for those structures.

12. For the purposes of maintaining visual access to the waterfront, the following standards apply to accessory uses, structures, and appurtenances for new and existing residences.

    a. Fences: All streams shall have a wildlife-passable fence installed at the edge of the required SMP setback. Fencing shall consist of split rail cedar fencing (or other nonpressure treated materials approved by the City's Shoreline Administrator). The fencing shall also include sensitive area signage at a rate of one (1) sign per lot, or one (1) sign per one hundred (100) feet and along public right-of-way, whichever is greater.

    b. Garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 200 feet from the OHWM.

13. The storm water runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Kent Surface Water Design Manual.

14. The creation of new residential lots within shoreline jurisdiction on rivers and streams shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:

    a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP.

    b. Adequate water, sewer, road access, and utilities can be provided.

    c. The intensity of development is consistent with the City's comprehensive plan.

d. The development will not cause flood or geological hazard to itself or other properties.

In addition, new residential development on new lots that contain intact native vegetation shall conform to the regulations of c.3. above. (See also Chapter 3 Section B.11).

15. See Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.

9. Transportation

a. Applicability

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, airports, heliports, and other related facilities.

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

b. Policies

1. Circulation system planning on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the SMP.
2. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.
3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

c. Regulations

General

1. Development of all new and expanded transportation facilities in shoreline jurisdiction shall be consistent with the City's comprehensive plan and applicable capital improvement plans.
2. All development of new and expanded transportation facilities shall be conditioned with the requirement to mitigate significant adverse impacts consistent with Chapter 3 Section B.4 of this SMP. Development of new or expanded transportation facilities that cause significant ecological impacts shall not be allowed unless the development includes shoreline mitigation/restoration that increases the ecological functions being impacted to the point where:
    a. Significant short- and long-term risks to the shoreline ecology from the development are eliminated.
    b. Long-term opportunities to increase the natural ecological functions and processes are not diminished.

If physically feasible, the mitigation/restoration shall be in place and functioning prior to project impacts. The mitigation/restoration shall include a monitoring and adaptive management program that describes monitoring and enhancement measures to ensure the viability of the mitigation over time.

Location

3. New nonwater-dependent transportation facilities shall be located outside shoreline jurisdiction, if feasible. In determining the feasibility of a non-shoreline location, the City's Shoreline Administrator will apply the definition of "feasible" in Chapter 6 and weigh the action's relative public costs and benefits, considered in the short- and long-term time frames.
4. New transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level.
5. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed with regard to the 100-year storm frequencies and allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.
6. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands; provided, bridge piers may be permitted in a water body or wetland as a conditional use.

Design/Construction/Maintenance

7. All roads and railroads, if permitted parallel to shoreline areas, shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.
8. Development of new and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the City's Shoreline Administrator. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the SMP.
9. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of

water bodies if feasible, where adverse impact to the shoreline can be minimized by doing so.

10. Fills for development of transportation facilities are prohibited in water bodies and wetlands; except, such fill may be permitted as a Conditional Use when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this SMP.
11. Development of new and expanded transportation facilities shall not diminish but may modify public access to the shoreline.
12. Waterway crossings shall be designed to provide minimal disturbance to banks.
13. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or sidecast materials without appropriate BMPs, as determined by the City's Shoreline Administrator.
14. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established. The vegetation restoration/replanting plans shall be as approved by the City's Shoreline Administrator.

<u>Green River</u>

15. New transportation and utility improvements near the Green River shall be set back sufficiently, as determined by the City's Shoreline Administrator, to accommodate planned levee and shoreline restoration improvements.
16. Along the Green River shoreline:
    a. Roads extending along the shoreline shall be developed as scenic boulevards for slow-moving traffic;
    b. Roads extending along the shoreline shall provide a trail system separated from the roadway;
    c. All lots and buildings must have road access without using scenic and recreational roads as defined by the Green River Corridor Plan.
    d. Development shall not include street connections to scenic and recreational roads;

e. Development shall not force or encourage traffic from the proposed development to use a scenic or recreational road for access; and

f. Development shall not force or encourage property outside the proposed development to use a scenic or recreational road for access.

g. Development consistent with this SMP may be allowed landward of Green River Road because the road prevents active channel movement and flooding and therefore is not within the channel migration zone.

10. Utilities

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities. See Chapter 3 Section B.10, "Utilities (Accessory)," for on-site accessory use utilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on any land area or in the water.

Solid waste includes solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material, agricultural wastes, auto wrecking yards with salvage and reuse activities, or wastes not specifically listed above.

b. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.
2. Utility facilities and corridors should be located so as to protect scenic views, such as views of the Green River from the Green River Trail. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

c. Regulations

1. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The City's Shoreline Administrator may require the relocation or redesign of proposed utility development in order to avoid significant ecological impacts.

2. Utility production and processing facilities, such as power plants or parts of those facilities that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided.

3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the shoreline area where feasible. Utilities shall be located in existing rights-of-way and utility easements whenever possible. New or expanded utilities installed near the Green River shall be set back and designed to accommodate planned levee and shoreline restoration improvements.

4. Development of pipelines and cables on shorelines, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.

5. Restoration of ecological functions shall be a condition of new and expanded nonwater-dependent utility facilities.

   The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of utility development.

6. Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant liability for the owner.

7. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be added to or substantially reconstructed.

8. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser impact. Existing above ground lines shall be moved underground during normal replacement processes.
9. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
10. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.
11. Utility production and processing facilities shall be located outside shoreline jurisdiction unless no other feasible option exists. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views, and shall avoid significant ecological impacts.
12. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by Conditional Use, automatic shut-off valves shall be provided on both sides of the water body.
13. Filling in shoreline jurisdiction for development of utility facility or line purposes is prohibited, except where no other feasible option exists and the proposal would avoid or minimize adverse impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques.
14. Power-generating facilities shall require a Conditional Use permit.
15. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
16. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction.
17. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.

CHAPTER 6

Definitions

Unless otherwise defined in this chapter, the definitions provided in KCC Chapter 15.02 shall apply. If there is a conflict, the definitions in this section shall prevail. Where an RCW or WAC reference is provided, the RCW or WAC shall prevail.

Accessory use. Any structure or use incidental and subordinate to a primary use or development.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. The City of Kent Planning Director or his/her designee, charged with the responsibility of administering the Shoreline Master Program.

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

Appurtenance. A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. (WAC 173-27-040(2)(g))

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Aquaculture. The cultivation of fish, shellfish, and other aquatic animals or plants, including the incidental preparation of these products for human use.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.

Associated Wetlands. Wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Base elevation. The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks.

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending landward to the shoreline.

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

Bioengineering. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

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

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

Buffer or buffer area. See definition in the Critical Areas Regulations, Ordinance No. 4249, codified as Section 11.06.160 KCC.

Building height. See definition in Section 15.02.065 KCC, as amended.

Building Setback. An area in which structures, including but not limited to sheds, homes buildings, and awnings shall not be permitted within, or allowed to project into. It is measured horizontally upland from and perpendicular to the ordinary high water mark.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stockwatering channels.

*Channel Migration Zone (CMZ)***.** The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For locations of CMZ, refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report.

City. The City of Kent Washington.

Clearing. The destruction or removal of vegetation ground cover, shrubs and trees including root material removal and topsoil removal.

*Compensatory Mitigation***.** See definition in the Critical Areas Regulations, Ordinance No. 4249, codified as Section 11.06.180 KCC.

Comprehensive Plan. Comprehensive plan means the document, including maps adopted by the city council, that outlines the City's goals and policies related to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

Conditional use. A use, development, or substantial development which is classified as a Conditional Use; or a use development, or substantial development that is not specifically classified within the SMP and is therefore treated as a Conditional Use.

Covered moorage. Boat moorage, with or without walls, that has a roof to protect the vessel.

Critical Areas Regulations. Refers to the City of Kent's Critical Areas Regulations codified under Chapter 11.06 KCC through Ordinance 4249 (6/20/17).

Current deflector. An angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

Department of Ecology. The Washington State Department of Ecology.

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 of the state subject to Chapter 90.58 RCW at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development. (WAC 173-27-030(6))

Development regulations. The controls placed on development or land uses by the City of Kent, including, but not limited to, zoning ordinances, Critical Areas Regulations, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for craft. A dock may be built either on a fixed platform or float on the water. See also "development" and "substantial development."

Dredging. Excavation or displacement of the bottom or shoreline of a water body.

Ecological functions (or shoreline functions). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

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

EIS. Environmental Impact Statement.

Emergency. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3eiii).)

Enhancement. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

Environment designation(s). See "shoreline environment designation(s)."

Erosion. The wearing away of land by the action of natural forces.

Exemption. Certain specific developments listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the SMA and the local SMP. Conditional Use and variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3e); WAC 173-27-040.) (See also "development" and "substantial development.")

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

Feasible. An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets all of the following conditions:

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

(b) The action provides a reasonable likelihood of achieving its intended purpose.

(c) The action does not physically preclude achieving the project's primary intended use.

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

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

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

Floats. An anchored, buoyed object.

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

Floodway. Means the area that has been established in effective Federal Emergency Management Agency flood insurance rate maps or floodway maps. The floodway does not include 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.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geologically hazardous areas. Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to varying degrees of potential risk of landslides, erosion, or seismic or volcanic activity; and areas characterized by geologic and hydrologic conditions that make them vulnerable to contamination of groundwater supplies through infiltration of contaminants to aquifers.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the

adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes. If the project is in a Channel Migration Zone, then the report must be prepared by a professional with specialized experience in fluvial geomorphology in addition to a professional engineer. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report).

Grade. See "base elevation."

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

Grassy Swale. A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs. The Guidelines may be found under WAC 173-26.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.

Height. See "building height."

Hydrological. Referring to the science related to the waters of the earth including surface and ground water movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

KCC. Kent City Code, including any amendments thereto.

Letter of exemption. A letter or other official certificate issued by the City to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act and this SMP.

Littoral. Living on, or occurring on, the shore.

Low Impact Development (LID)Technique. A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions. Additional information may be found in the City of Kent Surface Water Design Manual, as amended, in addition to the 2005 Puget Sound Action Team LID Manual, as amended.

May. Refers to actions that are acceptable, provided they conform to the provisions of this SMP and the SMA.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following, which are listed in the order of sequence priority, with (a) being top priority.

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations.

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

(f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage facility. Any device or structure used to secure a boat or a vessel, including piers, docks, piles, lift stations or buoys.

Moorage pile. A permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

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

Must. A mandate; the action is required.

Native Plants or Native Vegetation. These are plant species indigenous to the Puget Sound region that could occur or could have occurred naturally on the site, which are or were indigenous to the area in question..

Nonconforming development. A shoreline use or structure which was lawfully constructed or established prior to the effective date of this SMP provision, and which no longer conforms to the applicable shoreline provisions.

Nonwater-oriented uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. See also "normal repair."

Normal protective bulkhead. Those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040.) See also "normal maintenance" and "development."

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

OHWM. See "ordinary high water mark."

Ordinary high water mark (OHWM). That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology. (RCW 90.58.030(2)(b)).

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1d).)

Pier element. Sections of a pier including the pier walkway, the pier float, the ell, etc.

Provisions. Policies, regulations, standards, guideline criteria or designations.

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

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

RCW. Revised Code of Washington.

Residential development. Development which is primarily devoted to or designed for use as a dwelling(s).

Restore. To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not mean returning the shoreline area to aboriginal or pre-European settlement condition.

Revetment. Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

Riparian. Of, on, or pertaining to the banks of a river.

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

Riverbank. The upland areas immediately adjacent to the floodway, which confine and conduct flowing water during non-flooding events. The riverbank, together with the floodway, represents the river channel capacity at any given point along the river.

Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Sediment. The fine grained material deposited by water or wind.

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

Setback. A required open space, specified in this SMP, measured horizontally upland from and perpendicular to the ordinary high water mark.

Shall. A mandate; the action must be done.

Shorelands. All lands within Shoreline Management Act jurisdiction lying upland or higher in elevation of the OHWM.

Shoreline Administrator. City of Kent Planning Director or his/her designee charged with the responsibility of administering the Shoreline Master Program.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designation(s). The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations include: Aquatic, High Intensity, Urban Conservancy – Low Intensity, Urban Conservancy – Open Space, and Shoreline Residential.

Shoreline functions. See “ecological functions.”

Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the “Shoreline Management Act Scope” section in the “Introduction” of this SMP.

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

Shoreline master program, *master program*, or *SMP.* This Shoreline Master Program ,as adopted by the City of Kent and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline permit. A substantial development, Conditional Use, revision, or variance permit or any combination thereof.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration, or *ecological restoration*. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Shoreline sub-unit. See “sub-unit.”

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas 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 areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of the state. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

Shorelines Hearings Board (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Department of Ecology approval of shoreline master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action.

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

Significant ecological impact. An effect or consequence of an action if any of the following apply:

(a) The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.

(b) Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.

(c) Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant vegetation removal. The removal or alteration of native trees, shrubs, or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-family residence. A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Storm water. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. See also “channel.”

Structure. That which is built or constructed, or an edifice or building of any kind or any piece of work composed of parts joined together in some definite manner, and includes posts for fences and signs, but does not include mounds of earth or debris.

Subdivision. The division or redivision of land, including short subdivision for the purpose of sale, lease or conveyance.

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:

(a) The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or

(b) The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or

(c) Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Sub-unit. For the purposes of this SMP, a sub-unit is defined as an area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Swamp. A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

Terrestrial. Of or relating to land as distinct from air or water.

Transportation Facilities. A structure or development(s), which aids in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

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

Utility. A public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, storm water detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utilities (Accessory). Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users.

Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this SMP and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the City's Hearing Examiner and the Department of Ecology.

Vessel. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

Visual Access. Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

WAC. Washington Administrative Code.

Water-dependent. A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include fishing, boat launching, swimming, and storm water discharges.

Water-enjoyment. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water.
- Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- Restaurants with water views and public access improvements.
- Museums with an orientation to shoreline topics.
- Scientific/ecological reserves.
- Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

Water-oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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

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

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Weir: A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment of other moving objects transported by water.

Wetland or wetlands. Defined in the City of Kent Critical Areas Regulations, Ordinance No. 4249, codified under Section 11.06.530 KCC.

Wetland Category. Defined in the City of Kent Critical Areas Regulations, Ordinance No. 4249, codified under Section 11.06.533 KCC.

Wetland Delineation. Identification of a wetland boundary pursuant to the Wetland Delineation Manual as defined and described in the City of Kent Critical Areas Regulations, Ordinance No. 4249, codified under Sections 11.06.230 KCC and 11.06.590 KCC.

Wetlands Rating System. Defined in the City of Kent Critical Areas Regulations, Ordinance No. 4249, codified under Section 11.06.580 KCC.

Zoning. The system of land use and development regulations and related provisions of the Kent City Code, codified under Title 15 KCC, as amended.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

CHAPTER 7

Administrative Provisions

A. Purpose and Applicability

The purpose of this chapter is to establish an administrative system designed to assign responsibilities for implementation of this SMP and to outline the process for review of proposals and project applications. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the Kent City Code occur, this section shall apply.

1. Developments Not Required to Obtain Shoreline Permits or Local Reviews

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

a. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under chapter 70.105D RCW.

b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

c. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

d. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

e. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

B. Substantial Development

Any person wishing to undertake substantial development within the shoreline shall submit materials as required under Chapter 12.01 KCC, as amended and shall apply to the Administrator for a shoreline permit, as required in this chapter and Chapter 90.58 RCW.

For the purposes of this chapter, the terms “development” and “substantial development” are as defined in RCW 90.58.030 or as subsequently amended.

1. Exemptions from a Substantial Development Permit

Certain developments are exempt from the requirement to obtain a substantial development permit. Such developments still may require a variance or Conditional Use permit, and all development within the shoreline is subject to the requirements of this SMP, regardless of whether a substantial development permit is required. Developments which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended.

2 Substantial Development Permit Process

a. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City.

b. Shoreline substantial development permits are a Process II application and shall be processed and subject to the applicable regulations of Chapter 12.01 KCC, as amended. Shoreline conditional use permits and variances are classified as Process III applications and shall be subject to the requirements of Chapter 12.01 KCC, as amended.

c. Public notice. A notice of application shall be issued for all shoreline permit applications as provided for in Chapter 12.01 KCC, as amended, excepting that the public comment period for the notice of application for a shoreline permit shall be not less than thirty (30) days, per WAC 173-27-110(2)(e).

d. Application review. The Administrator shall make decisions on applications for substantial development permits, and recommendations on applications for conditional use and variance permits based upon: (1) the policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code; and (2) this SMP.

e. Hearing Examiner action. The Hearing Examiner shall review an application for a shoreline variance and shoreline conditional use permit and make decisions based upon: (1) this SMP; (2) the policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code; (3) written and oral comments from

interested persons; (4) reports from the Administrator; and (5) Chapters 2.32 and 12.01 KCC, as amended.

f. Filing with Department of Ecology. All applications for a permit or permit revision shall be submitted to the Department of Ecology, as required by WAC 173-27-130 or as subsequently amended.

   After City approval of a Conditional Use or variance permit, the City shall submit the permit to the Department of Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. The Department shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City.

g. Hold on Construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with the Department of Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the City's final decision on substantial development permits differs from date of filing for a Conditional Use permit or variance. In the case of a substantial development permit, the date of filing is the date the City transmits its decision on the permit to the Department of Ecology. In the case of a variance or Conditional Use permit, the "date of filing" means the date the Department of Ecology's final order on the permit is transmitted to the City.

h. Duration of permits. Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.

i. Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity.

3. Appeals

a. Shoreline Hearings Board. Any decision made by the Administrator on a substantial development permit, or by the Hearing Examiner on a Conditional Use or variance permit shall be final unless an appeal is made. Persons aggrieved by the grant, denial, rescission or modification of a permit may file a request for review by the Shoreline Hearings Board in accordance with the review process established by RCW 90.5 8.180 or as subsequently amended, and with the regulations of the Shoreline Hearings Board contained in Chapter 46 1-08 WAC or as subsequently amended. The request for review must be filed with the Hearings Board

within twenty-one (21) days of the date of filing, as defined in subsection 2.g above.

C. Conditional Use Permits

1. Shoreline Conditional Use Permits

a. Purpose. The purpose of a Conditional Use permit is to allow greater flexibility in varying the application of the use regulations of this SMP in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and this SMP. Uses which are specifically prohibited by this SMP may not be authorized pursuant to WAC 173-27-160.

b. Process and Application. Shoreline conditional use permits are a Process III application per Chapter 12.01 KCC, as amended.

c. Uses are classified as conditional uses if they are (1) specifically designated as Conditional Uses elsewhere in this SMP, or (2) are not specifically classified as a Permitted or Conditional Use in this SMP but the applicant is able to demonstrate consistency with the requirements of WAC 173-27-160 and the requirements for conditional uses in section C.2 below.

d. In the granting of all Conditional Use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted to other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of the Shoreline Management Act and shall not produce substantial adverse effects to the shoreline environment.

2. Shoreline Conditional Use Permit Criteria

Shoreline Conditional Use permits may be granted, provided the applicant can satisfy the criteria for granting conditional use permits as set forth in WAC 173-27-160 or as subsequently amended.

D. Variances

1. Shoreline Variances

a. Purpose. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this SMP and where there are extraordinary circumstances

relating to the physical character or configuration of property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020. In all instances where a variance is granted, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Variances from the use regulations of this SMP are prohibited.

b. Application. Shoreline variances are classified as Process III applications per Chapter 12.01 KCC, as amended.

2. Shoreline Variance Criteria

Shoreline variance permits may be authorized, provided the applicant can demonstrate satisfaction of the criteria for granting shoreline variances as set forth in WAC 173-27-170.

3. Revisions to Permits

See WAC 173-27-100 for additional information regarding revisions to permits. When an applicant seeks to revise a shoreline substantial development, conditional use, or variance permit, the City shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the SMA, and this SMP. "Within the scope and intent of the original permit" means the following:

a. No additional over-water construction will be involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.

b. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit, provided that revisions involving new structures not shown on the original site plan shall require a new permit.

c. Landscaping may be added to a project without necessitating an application for a new permit if consistent with the conditions attached to the original permit and with this SMP.

d. The use authorized pursuant to the original permit is not changed.

e. No additional significant adverse environmental impact will be caused by the project revision.

f. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as

authorized under a variance granted as the original permit or a part thereof.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the City shall require the applicant to apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

E. Local Review Timelines

1. Special Procedures for WSDOT Projects

a. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.

b. Optional process allowing construction to commence 21 days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin 21 days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

F. Nonconforming Uses

Nonconforming development shall be defined and regulated according to the provisions of WAC 173-27-080; excepting that if a nonconforming development is damaged to the extent of one hundred percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged.

G. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas

The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, relating to shoreline management provisions in this SMP.

H. Amendments to This Shoreline Master Program

Pursuant to RCW 90.58.080, the City will review this SMP at least once every eight years. . The City may elect to use the optional joint review process established by WAC 173-26-104 for SMP amendments other than comprehensive updates.

I. Severability

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

J. Enforcement

See Chapter 1.04 KCC, as amended for additional information regarding the City's enforcement regulations.

1. Violations

a. It is a violation of this SMP for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the shorelines of the City without first obtaining the permits or authorizations required for the use by this Chapter.

b. It is a violation of this SMP for any person to use, construct, locate, or demolish any structure, land or property within shorelines of the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this SMP, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

c. It is a violation of this SMP to remove or deface any sign, notice, or order required by or posted in accordance with this SMP.

d. It is a violation of this SMP to misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization.

e. It is a violation of this SMP for anyone to fail to comply with any other requirement of this SMP.

2. Duty to Enforce

a. It shall be the duty of the Administrator to enforce this Chapter. The Administrator may call upon the police, fire, health, or other appropriate City departments to assist in enforcement.

b. Upon presentation of proper credentials, the Administrator or duly authorized representative of the Administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this SMP.

c. This SMP shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

d. It is the intent of this SMP to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this SMP.

e. No provision of or term used in the SMP is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

3. Investigation and Notice of Violation

a. The Administrator or his/her representative shall investigate any structure, premises or use which the Administrator reasonably believes does not comply with the standards and requirements of this SMP.

b. If after investigation the Administrator determines that the SMP's standards or requirements have been violated, the Administrator shall follow the enforcement provisions of Chapter 1.04 Kent City Code, as amended.

CHAPTER 8

Shoreline Restoration Plan

A. Introduction

A jurisdiction's Shoreline Master Program applies to activities in the jurisdiction's shoreline area. Activities that have adverse effects on the ecological functions and values of the shoreline must provide mitigation for those impacts. By law, the proponent of that activity is not required to return the subject shoreline to a condition that is better than the baseline level at the time the activity takes place. How then can the shoreline be improved over time in areas where the baseline condition is severely, or even marginally, degraded?

Section 173-26-201(2)(f) WAC of the Shoreline Master Program Guidelines[1] says:

> "master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards."

However, degraded shorelines are not just a result of pre-Shoreline Master Program activities, but also of unregulated activities and exempt development. The new Guidelines also require that "[l]ocal master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline." While some actions within shoreline jurisdiction are exempt from a permit, the Shoreline Master Program should clearly state that those actions are not exempt from compliance with the Shoreline Management Act or the local Shoreline Master Program. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits, outside of the shoreline area within the city), assembly of out-of-jurisdiction actions,

[1] The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html for more background.

programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly inter-connected environments.

As directed by the Guidelines, the following discussions provide a summary of baseline shoreline conditions, lists restoration goals and objectives, and discusses existing or potential programs and projects that positively impact the shoreline environment. Finally, anticipated scheduling, funding, and monitoring of these various comprehensive restoration elements are provided. In total, implementation of the Shoreline Master Program (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Kent's shoreline environment in the long term.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City's or other non-governmental organizations' applications for grant funding, and to provide the interested public with contact information for the various entities working within the City to enhance the environment.

B. Shoreline Inventory Summary

1. Introduction

The City conducted a comprehensive inventory of its shoreline jurisdiction in 2008. The purpose of the shoreline inventory was to facilitate the City of Kent's compliance with the State of Washington's Shoreline Management Act (SMA) and updated Shoreline Master Program Guidelines. The inventory describes existing physical and biological conditions in the shoreline area within City limits, including recommendations for restoration of ecological functions where they are degraded. The full *Final Shoreline Inventory and Analysis Report* is summarized below.

2. Shoreline Boundary

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." Shorelands are defined as:

> "those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter…Any county or city may determine that portion of a one-

hundred-year-floodplain[2] to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom (RCW 90.58.030)"

In addition, rivers with a mean annual cfs of 1,000 or more are considered shorelines of statewide significance.

Shorelands in the City of Kent include only areas within 200 feet of the ordinary high water mark of shoreline jurisdiction waters and any associated wetlands within shoreline jurisdiction. Waters identified within jurisdiction include the Green River, Green River Natural Resources Area (GRNRA), Lake Meridian, Panther Lake, Jenkins Creek, Big Soos Creek, Springbrook Creek and the north half of Lake Fenwick. The south half of Lake Fenwick, portions of the Green River at the south end of the City, which are located outside the City limits in the City's Potential Annexation Area (PAA), are also identified.

3. Inventory

The shoreline inventory is divided into seven main sections: Introduction, Current Regulatory Framework Summary, Elements of the Shoreline Inventory, Shoreline-Specific Conditions, Analysis of Ecological Functions and Ecosystem-wide Processes, Land Use Analysis, and Shoreline Management Recommendations. Several segments were established for each of the waterbodies within jurisdiction, and have been delineated based on existing land use and current location within either the City or the PAA. The areas within the PAA that are currently regulated by King County's SMP include the south half of Lake Fenwick and portions of the Green River at the south of the City limits.

a. Land Use and Physical Conditions

1. Existing Land Use: Land uses within the City of Kent shoreline area vary depending on the location within the city. Generally, land uses are defined by various intensities, which include open space, high intensity, residential and agricultural. While it is expected that some of the industrial areas along the Green River Valley may redevelop over time, a majority of the land use changes will be limited to new residential development on vacant lands and infill development.

   The City's shoreline is zoned into multiple land use categories, most predominately industrial along the valley floor and single-family residential in the upland areas. The Green River's shoreline has a variety of uses, including parks, trails and open spaces, large scale industrial uses such as warehouses and office buildings, residential areas consisting of single and multi-family housing, and agricultural

[2] According to RCW 173-220-030, 100-year floodplain is "that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;"

activities. Lands surrounding Lake Meridian, Lake Fenwick and Panther Lake are primarily residential land uses, with some open space areas. Big Soos Creek is primarily undeveloped shoreline, as is Jenkins Creek, which is part of the City's watershed. The shoreline of Springbrook Creek is entirely surrounded by industrial uses.

2. Parks and Open Space/Public Access: The City provides fairly continuous public access along the Green River with a network of parks, trails, and open spaces. The public access sites provide for a number of activities, including fishing, swimming, boating, biking and picnicking. Although there are a few gaps in the open space connections to the river, the majority of the corridor is well-served by public access opportunities.

   The Green River Trail is a substantial element of public recreation and open space, and runs along 10 miles of the river within shoreline jurisdiction. Parks located along the trail provide parking and public access for trail users. The parks along the corridor include: Briscoe Park, Three Friends Fishing Hole, Valley Floor Community Park, Anderson Park, Green River Natural Resources Area, Van Doren's Landing Park, BMX Park, Russell Woods Park, Cottonwood Grove, Riverbend Golf Complex, Old Fishing Hole, Riverview Park, Foster Park and North Green River Park.

   There are also a number of other public access areas within shoreline jurisdiction. These include Lake Meridian Park, Lake Fenwick, Green River Natural Resources Area (GRNRA) and Panther Lake. Shoreline areas along Springbrook, Big Soos, and Jenkins Creeks have no public access.

   - Lake Meridian Park is a 16-acre park located on the southeast tip of a primarily residential lake. The park provides a boat launch, swimming and fishing areas. Future public access along the lake is limited due to the residential build-out of shoreline.
   - Lake Fenwick Park, located on the northern half of the lake, is 140 acres and provides a boat launch, swimming, picnic areas, fishing, trails and a disc golf course.
   - The GRNRA is a 304-acre wildlife refuge park that serves both as a stormwater detention and enhanced wetland facility. The park provides a trail system, viewing towers, and bike paths.
   - Panther Lake has one public boat launch located on the southwestern shoreline. However, the lake is almost completely covered by water lilies which severely limit recreational opportunities.
   - Big Soos Creek does not have any public access within the shoreline area. However, upstream of the 20 cfs cutoff point the Gary Grant Soos Creek Park, owned by King County, surrounds the majority of the creek. This 500-acre park provides access to the 7-mile Soos Creek Trail, and also provides picnic areas.

- Springbrook Creek does not have public access within the shoreline area other than a viewing opportunity from SW 43rd Street. Upstream from the 20 cfs cutoff point is the 5-acre Springbrook Greenbelt.
- Jenkins Creek public access is strictly prohibited, as this area is part of the City's protected watershed, Armstrong Springs.

3. Shoreline Modifications: The Green River shoreline is one of the most heavily modified river systems in the Puget Sound region. As early as the 1850s, early settlers altered habitats in the lower river valley. A series of levees, diversion dams, and bank hardening activities permanently altered and diverted water from historic flow patterns. Through the City of Kent, over 80 percent of the riverbanks are lined with levees or revetments. These prevent natural geomorphic processes from occurring.

   Big Soos Creek does not have any shoreline modifications within the City of Kent. However, modifications have occurred at both SR 516 and SR 18 highway crossings, each bordering the City. The SR 516 span, estimated at 80 feet long, has a gravel bar on the east side of the creek under the bridge, and bridge footings are likely armored to prevent erosion. Two SR 18 bridge spans modify Soos Creek shoreline areas immediately downstream (south) of Kent shoreline jurisdiction. Modifications include floodplain clearing, placement of road embankment fill, armoring, footings, pilings, and the bridge spans. The south span has no pilings and the stream banks are armored with quarry spalls. The north span includes some concrete piling supports outside of the active channel and the banks are lined with only gravelly soils. The floodplain has also been constricted considerably at the SR 18 crossing location.

   Lake Meridian has been altered with a variety of armoring and alteration types, including piers, boatlifts, boathouses, and moorage covers. It is estimated that 50 percent of the shoreline is armored, primarily along the southwest shore, and 90 percent of private residences have a dock. The largest pier on the lake is owned by the City at Lake Meridian Park.

   Lake Fenwick has very minimal shoreline modification within City jurisdiction. Approximately 350 linear feet of shoreline is armored, mostly in scattered short sections associated with a small fishing pier, the boardwalk trail crossing and a boat launch. Additional armoring is found along the shoreline adjacent to the parking lot, with vertical timbers and with inset steps for lake access. Other access points with no vegetation are armored with either timbers or boulders. Small gravel is found along the boat launch area with pre-cast concrete slabs in the water. In the PAA portion of the lake, several of the single-family homes found along the lake have a small floating dock and/or minor shoreline armoring.

The GRNRA pond complex, which serves as a flood and stormwater facility, is a constructed facility with weirs and culverts.

Springbrook Creek passes underneath SW 43rd Street in a large corrugated metal culvert. The banks for a short distance on either side of the culvert inlet are armored with angular boulders. The channel itself is a deep, excavated, canal-like feature.

Jenkins Creek does not have any shoreline modifications within Kent's jurisdiction. However, extensive channel modifications exist less than one-half mile within the City of Covington at the Bonneville Power Administration property, as well as culverts and other modifications farther upstream.

Panther Lake does not appear to have any shoreline modifications, with the exception of the public boat launch.

The full shoreline inventory includes a more in-depth of discussion of the above topics, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites, among others.

b. Biological Resources and Critical Areas

With the exception of Lake Fenwick, Panther Lake and short stretches of Big Soos and Jenkins Creeks, the shoreline area itself within the City of Kent is generally deficient in high-quality biological resources and critical areas, primarily because of the extensive residential and commercial development and their associated shoreline modifications. The highest-functioning shoreline area is the Jenkins Creek segment, which has a natural shoreline and is protected for the City of Kent's watershed. Landslide hazard areas are located along the East and West Hill areas, specifically along short stretches of the Green River, along the northwest end of Lake Meridian, and entirely around Lake Fenwick. Virtually the entire valley floor is a seismic hazard area.

Wetlands mapped within shoreline jurisdiction include large wetland areas and scattered small patches along the Green River corridor, many of which are located within developed industrial and manufacturing areas. Wetland areas include the following:

- Over 70 acres of wetland along Big Soos Creek
- Small wetlands located around the Lake Meridian fringe and along the south end
- The western shoreline of Lake Fenwick
- Wetlands of the GRNRA
- Springbrook Greenbelt
- Panther Lake and surrounding fringe areas

Important non-shoreline streams in the City include Mill Creek and Garrison Creek, both tributaries to the Green River, and a second Mill Creek that is tributary to Springbrook Creek. These streams are used

by salmon, but have been impacted extensively by basin development, resulting in increased peak flows, unstable and eroding banks, loss of riparian vegetation, and fish and debris passage barriers. These changes have altered their contributions of sediment, organic debris, and invertebrates into the Green River. These systems continue to be targeted for restoration by one or more local or regional restoration groups.

WDFW mapping of Priority Habitat and Species (WDFW 2007) also indicates the presence of other Fish and Wildlife Habitat Conservation Areas within and adjacent to the shoreline area. These include pileated woodpecker breeding areas, historic and current bald eagle nest locations, bull trout, Chinook salmon, chum salmon, coho salmon, pink salmon, sockeye salmon, steelhead, cutthroat trout, wetlands, urban natural open space, and riparian zones.

C. Restoration Goals and Objectives

According to the *Green/Duwamish and Central Puget Sound Watershed (WRIA 9) Near-Term Action Agenda For Salmon Habitat Conservation*, the Green/Duwamish watershed suffers from detrimental conditions for fish and fish habitat due to major engineering changes, land use changes which have resulted in direct and indirect impacts to salmon habitat, and water quality which has declined due to wastewater and industrial discharges, erosion, failing septic systems and the use of pesticides (WRIA 9 Steering Committee 2002). The June 30, 2009 City of Kent *Final Shoreline Inventory and Analysis Report* provides supporting information that validates these claims specifically in the City's shoreline jurisdiction. The *WRIA 9 Near Term Action Agenda* established three high priority watershed goals for salmon conservation and recovery:

- "Protect currently functioning habitat primarily in the Middle Green River watershed and the nearshore areas of Vashon/Maury Island.
- Ensure adequate juvenile salmon survival in the Lower Green River, Elliot Bay/Duwamish, and Nearshore subwatersheds. Meeting this goal involves several types of actions, including protecting currently functioning habitat, restoring degraded habitat, and maintaining or restoring adequate water quality and flows.
- Restore access for salmon (efficient and safe passage for adults and juveniles) to and from the Upper Green River subwatershed."

The following recommended policy for the lower Green River subwatershed, including Kent, is also taken from the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005).

- In the Lower Green River, every opportunity should be taken to set back levees and revetments to the maximum extent practicable. Habitat rehabilitation within the Lower Green River corridor should be included in all new developments and re-developments that occur within 200 feet of the river.

The WRIA 9 restoration goals, in combination with the results of the City's *Final Shoreline Inventory and Analysis Report*, the direction of Ecology's *Shoreline Master Program Guidelines*, and the City's commitment to support the *Salmon Habitat Plan: Making our Watershed Fit for a King*, are the foundation for the following goals and objectives of the City of Kent's restoration strategy. Although the *Green/Duwamish and Central Puget Sound Watershed (WRIA 9) Near-Term Action Agenda For Salmon Habitat Conservation* and the *Salmon Habitat Plan: Making our Watershed Fit for a King* are salmon-centered, pursuit of improved performance in ecosystem-wide processes and ecological functions that favors salmon generally captures those processes and functions that benefit all fish and wildlife.

Goal 1 – Maintain, restore or enhance watershed processes, including sediment, water, wood, light and nutrient delivery, movement and loss.

Goal 2 – Maintain or enhance fish and wildlife habitat during all life stages and maintain functional corridors linking these habitats.

Goal 3 – Contribute to conservation and recovery of chinook salmon and other anadromous fish, focusing on preserving, protecting and restoring habitat with the intent to recover listed species, including sustainable, genetically diverse, harvestable populations of naturally spawning chinook salmon.

1. System-wide restoration objectives

a. Improve the health of shoreline waterbodies by managing the quality and quantity of stormwater runoff, consistent at a minimum with the latest Washington Department of Ecology Stormwater Management Manual for Western Washington. Make additional efforts to meet and maintain state and county water quality standards in contributing systems.

b. Increase quality, width and diversity of native vegetation in protected corridors and shorelines adjacent to stream and lake habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.

c. Continue to work collaboratively with other jurisdictions and stakeholders in WRIA 9 to implement the Salmon Habitat Plan: Making our Watershed Fit for a King.

d. Base local actions and future projects, ordinances, and other appropriate local government activities on the best available science presented in the WRIA 9 scientific foundation and habitat management strategy.

e. Use the comprehensive list of actions, and other actions consistent with the Plan, as a source of potential site-specific projects and land use and public outreach recommendations.

f. Use the start-list to guide priorities for regional funding in the first ten years of Plan implementation, and to implement start-list actions through local capital improvement projects, ordinances, and other activities.

g. Seek federal, state, grant and other funding opportunities for various restoration actions and programs independently or with other WRIA 9 jurisdictions and stakeholders.

h. Develop a public education plan to inform private property owners in the shoreline area and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats.

i. Develop a chemical reduction plan which focuses on reducing the application of fertilizers, herbicides, and pesticides near shoreline waterbodies or tributary streams and otherwise emphasizes only their localized use.

j. Where feasible, protect, enhance, and restore riparian areas surrounding wetlands where functions have been lost or compromised.

2. Green River restoration objectives

a. Improve the health of the Green River and its tributary streams by identifying hardened and eroding streambanks, and correcting to the extent feasible with bioengineered stabilization solutions.

b. Improve the health of the Green River by removing or setting back flood and erosion control facilities whenever feasible to improve natural shoreline processes. Where levees and revetments cannot be practically removed or set back due to infrastructure considerations, maintain and repair them using design approaches that maximize the use of native vegetation and large woody debris (LWD).

c. Improve the health of the Green River and its tributary streams by increasing LWD recruitment potential through plantings of trees, particularly conifers, in the riparian corridors. Where feasible, install LWD to meet short-term needs.

d. Improve the health of the Green River by reestablishing and protecting side channel habitat.

e. Where feasible, re-establish fish passage to Green River tributary streams.

3. Lakeshore restoration objectives

a. Decrease the amount and impact of overwater and in-water structures through minimization of structure size and use of innovative materials.

b. Participate in lake-wide efforts to reduce populations of non-native aquatic vegetation.

c. Where feasible, improve the health of lake shorelines by removing bulkheads and utilizing bioengineering or other soft shoreline stabilization techniques to improve aquatic conditions.

D. List of Existing and Ongoing Projects and Programs

The following series of existing projects and programs are generally organized from the larger watershed scale to the City-scale, including City projects and programs and finally non-profit organizations that are also active in the City of Kent area. Many of these site-specific projects are mapped in Appendix C.

1. Water Resource Inventory Area (WRIA) 9 Participation

The City was one of 16 members of the WRIA 9 Forum, which participated in financing and developing the *Salmon Habitat Plan: Making Our Watershed Fit for a King*. The Plan includes the City of Kent's implementation commitment in the form of City Council Resolution 1714, approved November 15, 2005 (Appendix B).

The City's preparation of the Shoreline Inventory and Analysis Report for City of Kent's Shorelines: Green River, Big Soos Creek, Lake Meridian, Lake Fenwick, Green River Natural Resources Area Pond, Springbrook Creek, and Jenkins Creek (The Watershed Company 2008) and this Shoreline Restoration Plan are important steps toward furthering the goals and objectives of the WRIA 9 Plan. In its Resolution, the City committed to, among other things, "using the scientific foundation and the habitat management strategy as the basis for local actions recommended in the plan for future projects, ordinances, and other appropriate local government activities." The City's Resolution also states that the City will use the "Proposed Actions and Policies to Achieve a Viable Salmonid Population, and other actions consistent with the Plan, as a source of potential site specific projects and land use and public outreach recommendations." The City's Shoreline Master Program update relies heavily on the science included in the WRIA 9 Salmon Habitat Plan: Making Our Watershed Fit for a King report and related documents, and incorporates recommended projects and actions from the WRIA 9 documents.

The *Salmon Habitat Plan: Making Our Watershed Fit for a King* (Steering Committee 2005), which was adopted by the City, lists a number of programs that can and do occur in Kent, as well as across the entire watershed, and that would contribute to the recovery of habitat basin-wide. The 16 WRIA-wide (WW) actions listed in the Plan and in Table 10 below

are programmatic in nature and range from public education and stewardship to incentives to regulations and regulatory enforcement. The status of the City's projects and programs that support each of these actions is provided in Table 10.

Table 10. WRIA-wide Programs Recommended to Support Habitat and Status of Implementation in Kent

Program WW-No.	Program	Kent Implementation
1	Conduct Shoreline Stewardship Workshops and Outreach	Ongoing. The City has recently discussed soft shoreline stabilization and shoreline planting with local residents around Lake Meridian during a community meeting and city-wide open houses related to the Shoreline Master Program update.
2	Increase/Expand Water Conservation Incentive Programs	The City provides rebates for water-efficient washing machines and toilets. Water conservation education includes: a water festival targeting 4th and 5th grade students, ad campaigns, pamphlets, free aerators and shower timers. Improvements to the City's website for water conservation are planned.
3	Increase/Expand Natural Yard Care (NYC) Programs for Landscapers	Homeowners have been the City's initial target efforts - no progress to date on landscapers.
4	Increase/Expand the Natural Yard Care Program for Single Family Homeowners	The City currently targets two neighborhoods / year (~2,000 - 4,000 homeowners) for a series of three, 2-hour workshops on NYC. Over 400 households attended workshops in 2008.
5	Promote the Planting of Native Trees	City sponsoring "2009 Trees in 2009" native plant education program targeting grade school kids for 10th consecutive year. Kids are taught the importance of trees, then given native bare-root plants to take care of for 6 months and then plant in a City park or at home. Also, Parks and Public Works sponsor numerous volunteer native planting events on City property and require native plant landscaping on all restoration projects.
6	Promote Better Volunteer Carwash Practices	The City encourages the use of car-wash kits (inserts in storm drains with pump to direct effluent to sanitary sewer) during charity carwash events. City staff supplies the car-wash kits and also assist with setup and operation.
7	Increase Public Awareness about What Healthy Streams and Rivers Look Like and How to Enjoy Recreating on Them	The City is a partner in an annual Water Festival for elementary students which presents a diverse amount of topics related to water resources. Salmon habitat and resource protection topics are included.
8	Increase Involvement of Volunteers in Habitat Stewardship	Parks and Public Works actively recruit volunteers for native plant revegetation and maintenance projects and are considering

Program WW-No.	Program	Kent Implementation
		implementing volunteer habitat steward training program.
9	Green/Duwamish Volunteer Revegetation Program	King County led effort
10	Support/Expand the Natural Resource/Basin Steward Programs	King County led effort. The City of Kent works with the Green River Steward on restoration projects as well as other programs.
11	Expand existing incentives and develop new incentives for property owners to protect salmon habitat.	The proposed SMP includes incentives for homeowners to plant along the shoreline of Lake Meridian, which contains kokanee salmon.
12	Improve Enforcement of Existing Land Use and Other Regulations	The City updated code enforcement regulations in May 2008 (Ordinance 3881) increasing efficiency and prompt resolution of code violations.
13	Increase Use of Low Impact Development (LID) and Porous Concrete	The City updated its Surface Water Design Manual in 2017 to comply with DOE's manual. Policy 12.b(2) in Chapter 3 of the proposed SMP encourages the use of LID techniques. The City also recently adopted a Cottage Housing Demonstration Ordinance which offers a density bonus in exchange for using LID techniques, including porous concrete. This will only allow up to two cottage developments, but will likely lead to adoption of a permanent ordinance. While it's only one type of development, it's a first step in demonstrating the feasibility and benefits of LID techniques in Kent.
14	Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon	The City does not yet provide incentives for Built Green, but will be pursuing development of a program and policies as budget and staff availability allow in the future. The City offers discounts on its stormwater utility fee for sites that operate infiltration facilities to manage stormwater runoff.
15	Develop a Coordinated Acquisition Program for Natural Areas	The City has targeted parcels for acquisition in the Drainage Master Plan and WRIA 9 Salmon Habitat Plan that will improve habitat conditions as well as drainage and flood storage.
16	Develop Salmon Restoration Tools Consistent with Agricultural Land Uses	King County administered program

The following recommended project actions are taken from the 2005 *Salmon Habitat Plan: Making Our Watershed Fit for a King* for the lower Green River subwatershed, including Kent.

Table 11. WRIA-wide Programs Recommended to Support Habitat, and Status of Their Implementation in Kent

WRIA 9 Project	Kent Implementation Status
Project(s) LG-7 - Lower Mill Creek, Riverview (Formerly Green River) Park, Hawley Road Levee, Lower Mullen Slough, and Lower Mill Creek Restoration Between RM 21.3 and 24 (Both Banks): This suite of projects would be coordinated on lands that are adjacent to and/or share a floodplain. Overall goals are to restore habitat along the mainstem and lower sections of Mill Creek and Mullen Slough by: • Creating off-channel habitat for rearing and flood refugia and over-wintering habitat; • Reconnecting mainstem and tributaries with portions of the floodplain; • Setting back levees to improve bank conditions and create shallow water vegetated benches; • Installing anchored large woody debris; and • Controlling invasive plant species and planting with native plants. These projects are being coordinated by the City of Kent, King County, and the U.S. Army Corps of Engineers. Sub-projects include:	
Lower Mill Creek Floodplain Wetland and Off-Channel Habitat Rehabilitation - This project includes restoration of the lower 0.3 miles of Mill Creek and adjacent segments of the currently armored riverbank. The project would include excavation of off-channel habitat on the right bank of Mill Creek and reshaping the stream banks and the mainstem left bank of the Green River. This would create a more complex channel and aquatic edge habitat that includes off-channel habitat and large woody debris. Nine acres of off-channel and riparian habitat would be created adjacent to lower Mill Creek and approximately 1,600 lineal feet of lower Mill Creek would be restored. [Note: this project originated from the Green/Duwamish Ecosystem Restoration Project list]	Complete (Leber Back Channel Project). See http://www.govlink.org/watersheds/9/plan-implementation/SRFB-mill-creek.aspx) Project No. 1 on the Restoration Opportunities map (Appendix C)
Riverview (Formerly Green River) Park - This project is located opposite from the mouth of Mill Creek, on the right bank of the Green River. The project would provide summer rearing habitat and high flow winter refuge through excavation of an off channel area combined with placement of large woody debris and revegetation. Land is in public ownership and belongs to the City of Kent. [Note: this project is also identified as No. 12 by the Duwamish/Green River Ecosystem Restoration Project]	Complete. See http://www.govlink.org/watersheds/9/plan-implementation/SRFB-riverview-park.aspx Project No. 2 on the Restoration Opportunities map (Appendix C)
Hawley Revetment - This project would set back the over-steepened Hawley Revetment between river miles 23.5 and 23.3, in order to achieve a more stable slope angle, create a low, vegetated bench, and allow the placement of large woody debris. Land is in public ownership and is immediately downstream of Riverview Park.	Complete. Space retained for future salmon habitat improvements. Project No. 3 on the Restoration Opportunities map (Appendix C)
Lower Mullen Slough (Prentice Nursery Reach) at RM 21.4 (Left Bank) - This project would improve fish passage and create a natural habitat for rearing and refuge from high	King County is leading this effort. Project No. 4 on the Restoration Opportunities map (Appendix C)

WRIA 9 Project	Kent Implementation Status
flows in the Green River mainstem by restoring the mouth of Mullen Slough and connecting it with a nearby pond to create a new flatter-gradient meandering outlet. Actions include improving the channel to eliminate a summer low flow fish passage blockage, clearing the site of unnatural debris and Himalayan blackberry, planting riparian vegetation, placing large woody debris, and constructing dendritic, branched channels for improved water circulation and habitat diversity.	
Mullen Slough (Slough Mile 1.8-0.3) - Habitat for rearing and providing refuge from high flows in the Green River mainstem would be created by this project. Restoration along the slough would include channel meandering, large woody debris placement, and riparian plantings. This project site is upstream from the Prentice Nursery Reach project (previous sub-project) and includes about 90 acres from Highway 516 to the head of the slough.	King County is leading this effort. Project No. 5 on the Restoration Opportunities map (Appendix C)
Lower Mill Creek Future Project - The City of Kent has proposed an additional setback of the levee near the mouth of Mill Creek and four acres of riparian planting.	This project is part of the City's long-range plan. Project No. 6 on the Restoration Opportunities map (Appendix C)
<u>Project LG-9</u> - Rosso Nursery Off-Channel Rehabilitation and Riparian Restoration Between RM 20.8 and 20 (Left Bank): This project would rehabilitate habitat at the Rosso Nursery site between river miles 20.8 and 20.0 by constructing an outlet at RM 20.1. Actions would include removing fill, excavating off-channel flood refugium for juvenile rearing habitat, and planting native wetland and riparian vegetation.	King County is leading this effort. Project No. 7 on the Restoration Opportunities map (Appendix C)
Lower Green River Property Acquisition: The City of Kent transferred funds allocated to purchase of the LG-9 site to purchase of three different parcels located north of SR 516 on the south side of the Green River. While this project is not technically a numbered project identified in the WRIA plan, it is consistent with the objectives of the WRIA 9 plan.	100% design complete. Construction partially complete. Pursuing additional funding to complete construction. Project No. 8 on the Restoration Opportunities map (Appendix C)
<u>Project LG-10</u> - Mainstem Maintenance (including the Boeing Levee Setback and Habitat Rehabilitation) Between RM 20.5 and 16.3: Fish habitat along the Lower Green River would be improved by these projects, while providing stable bank and levee conditions to protect significant human infrastructure and development. These projects are being coordinated by local jurisdictions, the Green River Flood Control Zone District, and the U.S. Army Corps of Engineers. The majority of the banks in this portion of the river have been hardened, and trees and other fish-friendly features have been removed to make the river flow without impediment. Riprap or rock bank protections have reduced fish habitat along this stretch of the river. Sub-projects in the City of Kent or its UGA include:	
Boeing Setback and Restoration Between RM 18 and 17.1 (Right Bank) - Actions include reshaping the bankline between the upstream end of the Christian Brothers	King County Flood Control District project Project No. 9 on the Restoration Opportunities map (Appendix C)

WRIA 9 Project	Kent Implementation Status
Revetment and South 212th Street, widening the channel cross-section, restoring channel complexity and meanders, creating a two stage channel, excavating low benches and alcoves, installing large woody debris, and planting native riparian vegetation. The proposed project is within City of Kent open space, which has a 200-foot buffer with restricted development.	
Russell Road Upper, Lower and Lowest Setback and Restorations: Implement fish friendly, bio-engineered solutions to levee maintenance problems. Set back the levee to enable habitat rehabilitation, including reshaping the bankline, widening the channel cross-section, restoring the channel complexity and meanders, excavating low benches and installing large woody debris, and planting native vegetation.	Upper Russell – portions of the levee have been set back. Lower Russell – including significant habitat improvement, selected to begin construction in 2019, led by King County. Projects No. 10-12 on the Restoration Opportunities map (Appendix C)
Project LG-12: - Briscoe Off-Channel Habitat Rehabilitation Between RM 16.1 and 15.8 (Right Bank)	With cooperation from the City of Kent, this project would involve removing the armoring on the Briscoe meander shoreline, excavating a flood refugium for juvenile salmonid rearing habitat, installing large woody debris, and planting native riparian vegetation. An existing (landlocked) levee on the eastern boundary of the park would provide continued flood protection.
Project LG-13: - Acquisition, Levee Setback, and Habitat Rehabilitation Between RM 15.3 and 14.7 (Right Bank): Actions include acquiring additional right of way along the river-ward edge of the business park parking lot between River Miles 15.3 and14.7 (right bank); setting back the oversteepened levee; creating bench habitat, installing large woody debris; and planting native riparian vegetation. This project would extend downstream from a levee setback project completed in the early 2000s.	King County Flood Control District project – partially completed. Project No. 13 on the Restoration Opportunities map (Appendix C)

2. Green-Duwamish Ecosystem Restoration Project

A couple of the projects above in Table 11 were originally identified by the Green-Duwamish Ecosystem Restoration Project (ERP), a cooperative effort between 16 local governments, Indian Tribes, the State of Washington, NOAA Fisheries Service, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and many other organizations and private citizens. The ERP generated a list of 45 projects, 29 of which were ultimately incorporated into the *Salmon Habitat Plan: Making Our Watershed Fit for a King.* Funding for ERP implementation came from a federal authorization of $113 million under the Water Resources Development Act of 2000, but this funding is currently on hold. Two projects related to Meridian Creek and the Lake Meridian outlet were part

of the ERP and have already been implemented (see discussion in Chapter 8 Section D.12 below). One ERP project in shoreline jurisdiction that was not identified in the WRIA 9 report is described below in Table 12. Another ERP project is the restoration and enhancement of salmonid rearing and refuge habitat in Garrison Creek (a tributary of Springbrook Creek), which indirectly is an enhancement of the Springbrook Creek shoreline.

Table 12. Green-Duwamish Ecosystem Restoration Project projects, associated with Shorelines, in the City of Kent not part of the *Salmon Habitat Plan: Making Our Watershed Fit for a King.*

ERP Project	Kent Implementation Status
Project No. 21 - Lake Meridian Outlet Relocation: The project goal is to improve instream habitat and anadromous fish habitat between Lake Meridian and Soos Creek. The project would construct a channel through a forested area. The current outlet is located adjacent to a two lane road.	Complete. Project No. 14 on the Restoration Opportunities map (Appendix C)

3. King County Flood Control District

The King County Flood Control District (District) was established in 2007 and expanded on the functions of the former Green River Flood Control Zone District. The District's main function is to improve flood protection within the County and it has a significant list of proposed capital improvement projects aimed at maintaining and improving that protection.

The City of Kent participates in the District through the Advisory and Technical Committees, which provide recommendations to the Board of Supervisors, which is the King County Council. The Mayor of the City of Kent has a permanent seat on the Advisory Committee, and staff represent the City on the Technical Committee.

In the Green River watershed, many of the proposed projects are located along the banks of the Green and overlap with projects that are listed within the WRIA 9 Salmon Habitat Plan as well as the Green-Duwamish Ecosystem Restoration Project. These overlapping projects, which are named by their historical levee names in the King County Flood Control District list of Capital Improvement Projects, are located within the areas designated as Mainstem Maintenance Projects in the Salmon Habitat Plan and Green-Duwamish Ecosystem Restoration Project.

Other District Green River levee projects in Kent proposed to be constructed within the next six years include the Briscoe Levee Setback and the Horseshoe Bend Levee Improvements. These projects, although not included in the programs listed above, can provide significant improvement to the shoreline of the Green River. These projects will provide for

additional floodplain function and storage as well as salmon and other fish habitat. The projects can also allow for removal of invasive non-native plant species along the riverbanks and replanting with native species. The native species can provide additional shade for the river, which, in the long term, will help to decrease summertime river water temperatures.

As of 2019, the King County Flood Control District is preparing a Lower Green River Corridor Flood Hazard Management Plan. Environmental Impact Study scoping is underway.

4. Comprehensive Plan Policies

The City of Kent adopted a major update to its Comprehensive Plan in 2015 pursuant to Growth Management Act requirements. The updated Comprehensive Plan contains a number of general and specific goals and policies that direct the City to permit and condition development in such a way that the natural environment is preserved and enhanced. Specific relevant goals include (see the Comprehensive Plan for policies associated with each goal):

Goal LU-21 Foster recognition of the significant role played by natural features and systems in determining the overall environmental quality and livability of the community.

Goal LU-22 Coordinate with appropriate individuals and entities to create a long-term, sustainable relationship among local and regional natural resource protection entities, for future growth and economic development, through enhancement of wildlife, fisheries, and recreational opportunities; protection of cultural resources; protection of water quality in wetlands, aquifers, lakes, streams, and the Green River; provision of open space and screening to reduce impacts of development; protection of environmentally sensitive areas to preserve life, property, water quality and fish and wildlife habitat; and retention of the unique character and sense of place provided by the City's natural features.

Goal LU-23 Protect and enhance environmentally sensitive areas via the adoption of City regulations and programs which encourage well-designed land use patterns such as clustering and planned unit development. Use such land use patterns to concentrate higher urban land use densities and intensity of uses in specified areas in order to preserve natural features such as large wetlands, streams, geologically hazardous areas, and forests.

Goal LU-24 Encourage well designed, compact land use patterns to reduce dependency on the automobile, and thereby improve air and water quality and conserve energy resources. Establish

mixed-use commercial, office, and residential areas to present convenient opportunities for travel by transit, foot and bicycle

Goal LU-25 Ensure that the City's environmental policies and regulations comply with state and federal environmental protection regulations regarding air and water quality, hazardous materials, noise and wildlife and fisheries resources and habitat protection. Demonstrate support for environmental quality in land use plans, capital improvement programs, code enforcement, implementation programs, development regulations, and site plan review to ensure that local land use management is consistent with the City's overall natural resource goals.

Goal LU-26 Protect and enhance natural resources for multiple benefits, including recreation, fish and wildlife resources and habitat, flood protection, water supply, and open space.

Goal LU-27 Ensure that uses, densities, and development patterns on lands adjacent to the shorelines of the Green River are compatible with shoreline uses and resource values, and support the goals and policies of the City of Kent's Shoreline Master Program and the Green-Duwamish Watershed Nonpoint Action Plan.

Goal LU-28 Regulate development in environmentally critical areas to prevent harm, to protect public health and safety, to preserve remaining critical areas, and enhance degraded critical areas in the City.

Goal LU-31 Establish Urban Separators to protect environmentally sensitive areas, including lakes, streams, wetlands, and geologically unstable areas such as steep slopes, to create open space corridors that provide environmental, visual, recreational and wildlife benefits within and between urban growth areas, and to take advantage of unusual landscape features such as cliffs or bluffs and environmentally unique areas.

Goal CD-18 Provide adequate, safe, well-located public open spaces, parks facilities, and access to features of the natural environment.

Goal-CD-19 Protect the natural landscapes, which characterize Kent.

Goal CD-20 Encourage environmental sensitivity and low-impact development principles in the design and construction of all projects.

Goal CD-21 Promote renewable resource use and energy-efficiency in site and architectural design.

Goal CD-22 Promote Low-Impact Development and limited disturbance of natural hydrological systems, so that water quantity and quality are protected throughout the development process and occupation of the site.

Goal P&OS-1 Designate critical wildlife habitat resources and areas.

Goal P&OS-2 Preserve and provide access to significant environmental features, where such access does not cause harm to the environmental functions associated with the features.

Techniques suggested by the various policies to protect the natural environment include requiring setbacks from sensitive areas, preserving habitats for sensitive species, preventing adverse alterations to water quality and quantity, promoting low impact development, preserving existing native vegetation, educating the public, and mitigating necessary sensitive area impacts, among others.

5. Critical Areas Regulations

The City of Kent Critical Areas Regulations can be found in Kent City Code Chapter 11.06. The City adopted a revised Critical Areas Ordinance (CAO) in 2015 consistent with best available science and all other requirements of the GMA. The updated regulations are based on "best available science," and provide a high level of protection to critical areas in the City, particularly for streams and wetlands. The updated regulations categorize streams into three types based on documented salmonid fish use and size (for lakes and ponds), with standard buffers ranging from 40 feet for Type 3 waters to 100 feet for Type 2 waters. The code refers to the SMP for buffers of Type 1 streams (shorelines). A standard buffer width of 50 feet is set for valley streams in "industrialized areas adjacent to portions of Mill Creek, Garrison Creek, and Springbrook Creek on the valley floor." Standard wetland buffers now range from 50 to 225 feet and are classified using the Department of Ecology's latest *Washington State Rating System for Western Washington*. Management of the City's critical areas using these regulations should help insure that ecological functions and values are not degraded, and impacts to critical areas are mitigated. These Critical Areas Regulations are one important tool that will help the City meet its restoration goals. The City's Critical Areas Regulations are adopted by reference into the Shoreline Master Program to regulate critical areas found within the shoreline area.

6. Stormwater Management and Planning

The *City of Kent 2017 Surface Water Design Manual* adopts by reference the 2016 *King County Surface Water Design Manual*.

Some of the goals identified in the City's *Drainage Master Plan*, include:

- Identify opportunities for habitat restoration along the City's stream and river corridors including potential land acquisition or easement needs to implement those actions
- Define drainage problems and recommend solutions that will reduce planning area flood hazards and associated public safety risks, provide economic incentives for continued growth, improve water quality, improve or restore fish passage, and enhance stream and wetland habitats; integrate Low Impact Development (LID) components into implementation of those solutions where technically feasible

In January 2007, Ecology approved the City's NPDES Phase II permit. The NPDES Phase II permit is required to cover the City's stormwater discharges into regulated lakes and streams. Under the conditions of the permit, the City must protect and improve water quality through public education and outreach, detection and elimination of illicit non-stormwater discharges (e.g., spills, illegal dumping, wastewater), management and regulation of construction site runoff, management and regulation of runoff from new development and redevelopment, and pollution prevention and maintenance for municipal operations.

Ecology will issue a new 5-year NPDES permit for the City of Kent in 2019, which will also require implementation of conditions for protecting and improving water quality.

7. Public Education

The City of Kent's Comprehensive Plan identifies four policy statements based on the goals of environmental public involvement (excerpted below). These items help guide City staff and local citizen groups in developing mechanisms to educate the public and broaden the interest in protecting and enhancing local environmental resources.

Goal LU-21 Foster recognition of the significant role played by natural features and systems in determining the overall environmental quality and livability of the community.

Pol 21.1 Educate City staff, developers, and other citizens on the interaction between natural features and systems, such as wetlands, streams, and geologically hazardous areas, and human activities.

Goal LU-22 Coordinate with appropriate individuals and entities to create a long-term, sustainable relationship among local and regional

natural resource protection entities, for future growth and economic development, through enhancement of wildlife, fisheries, and recreational opportunities; protection of cultural resources; protection of water quality in wetlands, aquifers, lakes, streams, and the Green River; provision of open space and screening to reduce impacts of development; protection of environmentally sensitive areas to preserve life, property, water quality and fish and wildlife habitat; and retention of the unique character and sense of place provided by the City's natural features.

Pol 22.1 Provide incentives for environmental protection and compliance with environmental regulations. Foster greater cooperation and education among City staff, developers, and other citizens. Determine the effectiveness of incentives by establishing monitoring programs.

Goal LU-25 Ensure that the City's environmental policies and regulations comply with state and federal environmental protection regulations regarding air and water quality, hazardous materials, noise and wildlife and fisheries resources and habitat protection. Demonstrate support for environmental quality in land use plans, capital improvement programs, code enforcement, implementation programs, development regulations, and site plan review to ensure that local land use management is consistent with the City's overall natural resource goals.

Pol 25.2 Provide to property owners and prospective property owners general information concerning natural resources, critical areas, and associated regulations. Ensure developers provide site-specific environmental information to identify possible on- and off-site constraints and special development procedures.

Pol 25.10 Work cooperatively with tribal, federal, state and local jurisdictions, as well as major stakeholders, to conserve and work towards recovery of ESA-listed threatened and endangered species.

As part of the City of Kent's efforts to abide by these goals and policies, the City supports several volunteer efforts and programs in cooperation with non-profit groups and agencies. The City also has developed many educational brochures that discuss conservation, sustainability, and Green Building practices.

8. Kent Parks Foundation

According to the City of Kent website, the Kent Parks Foundation "provides an opportunity to ensure that Kent remains a beautiful, healthy, and caring place to raise our children and enjoy our lives." The Foundation is a 501(c)(3) non-profit public charity which purpose is "to develop assets for the community that the Parks Department serves," including by "preserving our environment." The Foundation has an annual Gift Catalog that includes a list of needs in individual parks with the associated cost. Individuals can select a specific need in a specific park and make a tax-deductible donation to address that need. In future years, the Foundation could include additional items for parks that address shoreline restoration opportunities outlined in this Restoration Plan.

Contact Information: www.kentparksfoundation.org

9. Other Kent Parks Programs

The City's Parks, Recreation & Community Services Department has several other programs that could be leveraged to enact additional restoration projects to benefit shoreline conditions. . All of these programs educate the public, promote stewardship, and enable volunteers to donate time and energy to improving the park system and Kent's natural areas.

Contact Information: Kent Parks, Recreation and Community Services, 253-856-5000 or parksrecreation@kentwa.gov.

10. Public Works Engineering Programs

The Public Works Engineering Department holds two or three volunteer events per year that organize groups, organizations and individuals to dedicate their time in restoring riparian, wetland and open space areas throughout the City. Volunteer groups from Puget Sound businesses are regularly involved. Past restoration efforts have been organized along the Green River, the GRNRA, Lake Fenwick and Lake Meridian.

The Public Works Engineering Department sponsors Natural Yard Care Workshops that are held two times per year in two different neighborhoods. These workshops educate residents about natural gardening and lawn care techniques that promote chemical and pesticide-free methods.

The Department also sponsors the Planet Protectors Summit, held annually in March at a local community college campus, in which approximately 1,000 4th grade students are taught by professionals about water conservation, watersheds, wetlands, salmon habitats, wildlife, and other related topics. Many of the topics are done through hands-on activities. This event involves the Kent School District and typically involves presenters from several local agencies. Special presenters have included the Seattle Aquarium, local weathermen, NASA officials, and the Governor.

Contact Information: City of Kent Public Works Engineering, (253) 856-5500

11. Recent Kent Restoration Projects

a. GRNRA

Created in 1996, this complex serves as a stormwater detention facility, flood control, public education and wildlife habitat project in the Green River Valley. Over 800,000 CY of material was excavated and moved to the western portion of the site during construction. Most of the excavated area became the large, 35-acre detention lagoon, sized to completely control a 100-year flood event in Mill Creek. The eastern, 18-acre pond was primarily designed to naturally treat stormwater by forcing the water to slow down and take a long, circuitous path around the central peninsula where the water could naturally be filtered by thousands of wetland plants.

Native trees, shrubs, wetland emergents and some herbaceous plants have been planted per the GRNRA Landscape Master Plan to improve onsite habitat conditions. The landscape plan has been adaptively managed over the course of several years. To date, approximately 250,000 native plants have been installed on the site, including approximately equal numbers of wetland emergents and trees/shrubs. Onsite habitat conditions have improved greatly during this planting effort (Project No. 16 on the Restoration Opportunities map (Appendix C)).

b. Lake Meridian Outlet Realignment Project

This project realigned the lake outflow of Lake Meridian through a forested area to improve fish habitat on its way to Big Soos Creek (Project No. 14 on the Restoration Opportunities map (Appendix C)). The former outlet creek flowed through a series of wetland and detention basins within a highly developed commercial and residential neighborhood.

This realignment, also known as Cow Creek, was funded through the U.S. Army Corps of Engineers, WRIA 9 funding and the City of Kent as part of the Green/Duwamish Ecosystem Restoration Program. The project consisted of three phases. Phase 1, which was completed in 2007, included improvements such as a weir for flow control, a box culvert, a new pedestrian bridge, and enhancement of the existing outlet of Lake Meridian. Phase 2 consisted of a 2,500-foot new channel that meanders through open space and existing wetlands on its way to Big Soos Creek. Large woody debris, riparian plantings, spawning gravel and backwater areas were created to provide habitat for fish and other wildlife. An access road for BPA was constructed at the eastern edge of the new channel. Phase 3 included installation of a flow splitter that allows water to be diverted to the new channel and allow some of the

water to continue to the existing wetlands and detention areas to the south. Three acres of wetlands along this channel were enhanced with native plantings, soil amendments, and addition of woody debris. Construction of all three phases is complete.

c. Lake Fenwick Grass Carp Introduction

In 2009, and again in 2017, the City introduced triploid grass carp to Lake Fenwick to control a Brazilian elodea infestation (Project No. 17 on the Restoration Opportunities map (Appendix C)). In all, approximately 77 percent of the surveyed shallow areas were affected by this invasive species. Brazilian elodea can be so dense that fish movement is limited; forage areas are reduced; and predators and prey have reduced visibility, hampering foraging and escape from predators. Dense stands of elodea can also uptake dissolved oxygen, reducing dissolved oxygen to lethal levels for fish (Tetra Tech 2002). The effectiveness of the grass carp at controlling elodea, a preferred food plant, are monitored by the City. A weed rake is used to sample along predetermined aquatic transects with the results compared to previous diver surveys along these same transects.

d. Leber Backchannel

In 2016, the City created a habitat backchannel off of Mill Creek Auburn, near its mouth. The City excavated approximately 80,000 cubic yards of soil and installed 51,000 plants and 43 large wood habitat structures. This backchannel provides areas for salmon to rear and escape from high flood flows in the Green River.

e. Downy Sidechannel

As of 2019, the City is constructing a large system of side channels on the Green River downstream from the SR-516 bridge. Construction began in 2018 and is continuing in phases as funding becomes available. The final project will include approximately 1,900 feet of side channels and 6 acres of aquatic habitat. Approximately 210,000 cubic yards of material is being removed to build the project, which will also provide 130 acres of floodplain storage. The sidechannels will provide rearing habitat for salmon as well as slow-moving areas to serve as refuge from high-flood flows.

12. Comprehensive Site-Specific Restoration Opportunities

Many of the projects and programs listed above in Sections 4.1, 4.2, 4.3 and 4.12 are site-specific and are included on the map located in Appendix C. Each of these projects is given an identifying map number indicated on the following table (Table 13), with a corresponding reference as appropriate to the originating Green-Duwamish Ecosystem Restoration

Project (ERP) number or WRIA 9 *Salmon Habitat Plan: Making Our Watershed Fit for a King* project number (Steering Committee 2005). In some cases, these are overlapping projects with each other or the King County Flood Control District.

Table 13. WRIA-wide Programs Recommended to Support Habitat, and Status of Their Implementation in Kent

Map No.	Name	ERP	WRIA 9 Plan	KCFCD	Comments
1	Lower Mill Creek Restoration		LG-7		
2	Riverview Park	P-17	LG-7		
3	Hawley Road Levee		LG-7		
4	Lower Mullen Slough (Prentice Nursery)	P-11	LG-7		King County Taking the Lead per WRIA 9 plan
5	Mullen Slough	P-12	LG-7		King County Taking the Lead
6	Lower Mill Creek Future Project		LG-7		
7	Rosso Nursery		LG-9		
8	Lower Green River Acquisition		objectives		
9	Boeing Levee Setback		LG-10	X	
10	Russell Road Upper Setback and Restoration		LG-10	X	
11	Russell Road Lower Setback and Restoration		LG-10	X	
12	Russell Road Lowest Setback and Restoration		LG-10	X	
13	Acquisition, Levee Setback and Rehabilitation		LG-13	X	
14	Lake Meridian Outlet Relocation	P-21			Complete Kent Project
15	Springbrook Creek				Complete Kent Project
16	Green River Natural Resource Area				Complete Kent Project

Map No.	Name	ERP	WRIA 9 Plan	KCFCD	Comments
17	Lake Fenwick Grass Carp				Completed in 2009 and 2017

E. List of Additional Projects and Programs to Achieve Local Restoration Goals

The following additional projects and programs are generally organized from the larger watershed scale to the City-scale, including City projects and programs and finally non-profit organizations that are also active in the City of Kent area.

1. Unfunded WRIA 9 or ERP Projects

The Hawley Revetment project (LG-7), listed in Table 11, is currently part of the City's long range plan, but is not yet funded. Per the Salmon Habitat Plan, this project would set back the over-steepened Hawley Revetment between river miles 23.5 and 23.3, in order to achieve a more stable slope angle, create a low, vegetated bench, and allow the placement of large woody debris. Land is in public ownership and is immediately downstream of Riverview Park.

Several of the ERP projects are currently unfunded or underfunded and the City continues to identify funding sources.

2. Other Recommended Projects

The following is partially developed from a list of opportunity areas identified within the *Final Shoreline Analysis Report*, with additional expansion of the Green River discussion. The list of potential projects was created after assessing field conditions, and is intended to contribute to improvement of impaired functions.

a. Green River

The following summary of factors for decline in the lower Green River subwatershed is excerpted from The *Salmon Habitat Plan: Making Our Watershed Fit for a King* (Steering Committee 2005):

> *Urbanization, water diversions, levees, and revetments on the mainstem have gradually lowered the floodplain and resulted in disconnection of off-channel habitats such as sloughs and adjacent*

wetlands from the mainstem. Juvenile fish migrating downstream have few places to take refuge from high flows.

The river is starved of large woody debris and consequently lacks associated instream habitat complexity, such as pools and riffles. Low flows, associated with water withdrawals and the diversion of the White River, have exacerbated low flow conditions and contributed to adult salmon migration problems. The loss of mature native riparian vegetation has been accompanied by extensive amounts of non-native plants. These same human activities and developments have caused chronic water quality problems, particularly in the tributary streams.

Additional factors of decline related to harvest, hatchery operations, and the Howard A. Hanson Dam are not within the City's sphere of influence.

As mentioned previously, the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005) includes the following specific policy for the lower Green River.

In the Lower Green River, every opportunity should be taken to set back levees and revetments to the maximum extent practicable. Habitat rehabilitation within the Lower Green River corridor should be included in all new developments and re-developments that occur within 200 feet of the river.

Given the City's commitment to implementing the *Salmon Habitat Plan* and recent events related to the Corps' and FEMA's assessment of the Green River levee, the City is now in a position to effect or enable the above policy on a large scale over a 10- to 20-year period. The *Salmon Habitat Plan* references King County's *Guidelines for Bank Stabilization Projects in the Riverine Environments of King County* (King County 1993), which includes the following generic graphic of a possible levee setback with riparian vegetation.

Implementation of levee upgrades for the entire stretch of the Green River in the City is likely to be implemented by one or more entities, either led by or collaborating with the City, including King County and the Corps. A key barrier to rapid implementation is funding, which will need to be supplied by the City, the Corps, King County, and possibly other state or federal funding sources. A second impediment is space. The City of Kent contains a mix of land uses along the river, including agricultural, industrial, residential, and commercial. Many of these are set back more than 200 feet from the river's ordinary high water mark, but others are as close as 60 feet. The following figure is a potential cross-section for the City of Kent levee that requires a minimum of 200 feet to implement. The cross-section includes space for a "shallow floodplain slope," sloped levee face, 16-foot-wide levee top to accommodate the Green River Trail, and the sloped upland face of the levee.

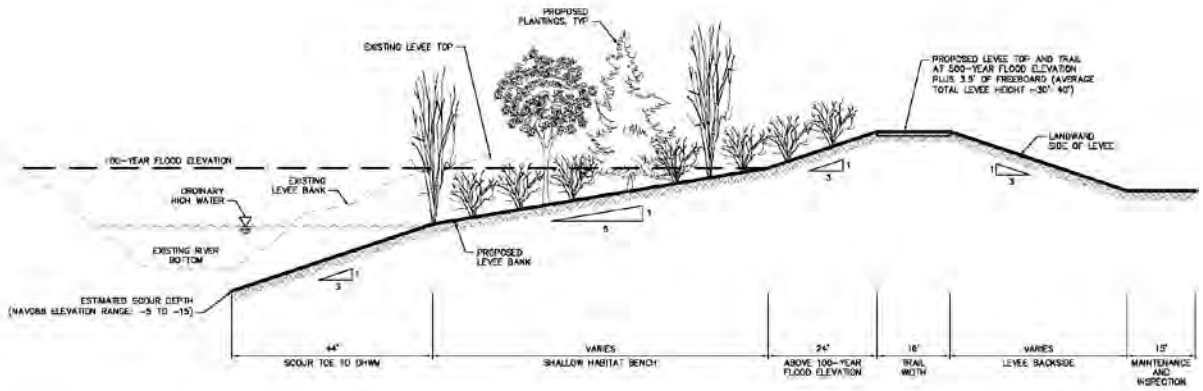


Figure 9. Illustration of proposed levee design with plantings and trail.

The proposed floodplain bench has several purposes, including increasing the flood storage capacity (and reducing the flood elevation), increasing levee stability, and providing improved riparian habitat for fish and wildlife. The national Corps policy limits vegetation to grasses on and adjacent to levees. However, the Seattle District has obtained a Regional Variance that provides a great deal of flexibility. The floodplain bench and the streambank below the bench provide opportunities for establishment of traditional riparian vegetation and placement of large woody debris. Much of the current levee structure is vegetated with grasses and invasive weeds, primarily Himalayan blackberry. There are scattered pockets of trees and shrubs (cottonwoods, willows, some conifers) on and landward of the levee, which provide some shade depending on size and orientation.

Under the Regional Variance and per Doug Weber at the U.S. Army Corps of Engineers, any standard native riparian vegetation may be installed on the floodplain bench, including cottonwoods, alders, willows, and conifers, limited only by suitability of the species to hydrologic and soil conditions of the bench. Rows of willows, dogwoods, or other suitable species can be incorporated into the levee from the OHWM and upwards, concentrated at the water's edge. Grasses and small shrubs can be on the face of the levee above the bench. Large woody debris is allowed, so long as it is on the benches or engineered into the base of the levee. The toe of the levee needs to still remain inspectable, but the Corps indicated that is a judgment call. Where an upgraded levee does not have sufficient room for installing a floodplain bench, the willow lifts are generally kept near the water's edge, where hydrology conditions are suitable.

The National Marine Fisheries Service (NOAA Fisheries) issued a Biological Opinion (BiOp) on 22 September 2008 on FEMA's implementation of the National Flood Insurance Program in Washington state. This BiOp has implications for alteration of the existing levee system along the Green River, and possibly development of upland areas landward of the levee. Any improvements to the levee system must be conducted in such a way that listed fish species and their habitats are not adversely affected through further degradation of the current baseline condition. During phone conversations in Fall 2008, Ryan Ike of FEMA indicated that FEMA is not planning to issue any vegetation standards or establish prescriptive setbacks in reaction to the BiOp, and the Corps indicated that it would not be changing its policies in the short term either. All of the agencies will continue to discuss the issues and the application of the BiOp.

b. Big Soos Creek

The Kent stretch of Big Soos Creek could be enhanced by vegetation planting with a buffer of native trees and shrubs, particularly conifer species, as well as placement of large woody debris to enhance in-stream fish habitat.

c. Lake Meridian

General: Investigate potential for control of Eurasian watermilfoil through chemical, mechanical or biological control methods. The City's IAPMP (Tetra Tech 2002) recommended placement of bottom barriers (burlap sheets) in localized areas. This work has not yet been conducted.

Residential: Many residential shoreline properties on Lake Meridian have the potential for improvement of ecological functions through: 1) reduction or modification of shoreline armoring, 2) reduction of overwater cover and in-water structures (grated pier decking, pier size reduction, pile size and quantity reduction, moorage cover removal), 3) improvements to nearshore native vegetative cover, or 4) reductions in impervious surface coverage.

Lake Meridian Park: Several opportunities exist to improve habitat conditions along the shoreline. These include: reduction of overwater cover by the existing pier through the installation of deck grating, removing or minimizing the impacts of shoreline armoring; and supplementation of nearshore native vegetation to improve habitat conditions.

d. Lake Fenwick

Lake Fenwick's shoreline armoring could be modified to support public access while stabilizing the banks using bioengineering techniques. Additionally, the Brazilian elodea problem should be addressed through the use of grass carp, which were introduced in 2009 and 2017 (see

Chapter 8 Section D.12.d above). This should significantly reduce, or eliminate, the noxious weed in the lake.

As of 2019, the City is also in the process of upgrading the hypolimnetic aeration in the lake, which helps to control phosphorus and algae blooms.

e. GRNRA

The Public Works Department should continue to manage the GRNRA and implement the Landscape Master Plan for the site.

f. Springbrook Creek

Some enhancement of the buffer has occurred on both banks of Springbrook Creek within the shoreline area; several small conifer plantings were noted during December 2007 and February 2008 site visits (see Chapter 8 Section D.12.c). Additional plantings of native trees and shrubs would improve the wildlife corridor, and provide additional shade and organic debris to the stream. Landscape debris was noted in the buffer as well; adjacent businesses could be educated regarding appropriate disposal of lawn clippings and other landscape items.

g. Jenkins Creek

The Jenkins Creek shoreline area will benefit most from continued preservation and protection of the remaining functions. As previously mentioned, the City has installed some riparian enhancement plantings in the buffer.

h. Panther Lake

Panther Lake was assigned a Category H restoration designation based on King County's shoreline inventory and characterization model. Category H applies to those shorelines with a "Low" basin function and a "Medium" reach function. The appropriate restoration strategy according to this methodology is to focus on enhancement and creation.

The non-native lily infestation in Panther Lake is adversely affecting lake habitat by creating a monoculture and excluding native plants, and is limiting lake access even by canoes. One shoreline property owner also noticed a "rotten" smell (Johnson 2007), which is likely caused by decomposition of large volumes of organic material, reduced circulation in the lake resulting from the dense lily cover, and breakdown of muck soils. Some mechanical or chemical control of the lily problem may be necessary.

Residential shoreline properties on Panther Lake have the potential to provide improvement of ecological functions through improvements to nearshore native vegetative cover.

3. Public Education/Outreach

Chapter 7 of the WRIA 9 *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005) identifies 17 WRIA-wide ("watershed-wide") actions that could contribute to the recovery of ecosystem health. These actions range from public education and stewardship to incentives to regulations and regulatory enforcement. Specific public education and stewardship efforts listed in the report include:

- Conduct Shoreline Stewardship Workshops and Outreach
- Increase/Expand Water Conservation Incentive Programs
- Increase/Expand Natural Yard Care Programs for Landscapers
- Increase/Expand the Natural Yard Care Program for Single Family Homeowners
- Promote the Planting of Native Trees
- Promote Better Volunteer Carwash Practices
- Increase Public Awareness about What Healthy Streams and Rivers Look Like and How to Enjoy Recreating on Them
- Increase Involvement of Volunteers in Habitat Stewardship
- Green/Duwamish Volunteer Revegetation Program
- Support/Expand the Natural Resource/Basin Steward Programs
- Expand/Improve Incentives Programs
- Improve Enforcement of Existing Land Use and Other Regulations
- Increase Use of Low Impact Development and Pourous Concrete
- Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon
- Develop a Coordinated Acquisition Program for Natural Areas

Specific details about these public education, outreach and stewardship programs may be found at https://www.govlink.org/watersheds/9/plan-implementation/habitatplan.aspx.

4. Other Environmental Organizations

Although the following organizations include Kent in their general service areas, they have indicated that they are not currently actively engaged in specific activities or programs that affect Kent's shorelines, nor do they have any plans in the area. However, that does not preclude them from playing an active role in the future, particularly if any of the City's residents or business owners solicit assistance from or become members in these organizations.

- Washington Trout
- Rainier Audubon Society

F. Proposed Implementation Targets and Monitoring Methods

As previously noted, the City's shoreline area is occupied by industrial, commercial, agricultural, multi- and single-family residences, and public recreation/open space areas. Therefore, efforts should be made to improve shoreline ecological function through the promotion of restoration and healthy practices at all levels, from large-scale industrial users to single-family property owners. The City of Kent already has a very active environmental community with a restoration and education focus. Continued improvement of shoreline ecological functions on the shoreline requires a more comprehensive watershed approach, which combines the upstream projects and programs along the City's lakefronts.

The following table (Table 14) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

Table 14. Implementation Schedule and Funding for Restoration Projects, Programs and Plans.

Restoration Project/Program	Schedule	Funding Source or Commitment
4.1 WRIA 9 Participation	Ongoing	The City is an active member of the WRIA 9 Forum. Membership at this time entails a commitment of staff time.
4.2 ERP Implementation	On hold	The City of Kent participates in the Green-Duwamish ERP Committee to identify projects to be programmed each year.
4.3 King County Flood Control District	Ongoing	City of Kent participates in the District through the Advisory and Technical Committees, and has a number of active interlocal agreements with the District to improve leveed reaches and provide opportunities for habitat within those reaches.
4.4 Comprehensive Plan Policies	Revised in 2015	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the recently updated Comprehensive Plan.
4.5 Critical Areas Regulations	Revised in 2015	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with their recently updated Critical Areas Regulations.
4.6 Stormwater Planning	Ongoing	Currently, staff time and materials are the only City resource commitments. The City currently follows its *2017 Kent Surface Water Design Manual,* which adopts the *2016 King County Surface Water Design*

Restoration Project/Program	Schedule	Funding Source or Commitment
		Manual. The City is also planning to update its *Drainage Master Plan* which goals includes flood reduction, water quality improvements and aquatic habitat improvements. Work is ongoing as part of a five-year compliance plan for mandatory activities prescribed by the NPDES phase II municipal stormwater permit.
4.7 Public Education	Ongoing	Currently, staff time and materials are provided in developing public education and outreach efforts, which are highlighted in Comprehensive Plan policy statements based on the goals of environmental public involvement. These items help guide City staff and local citizen groups in developing mechanisms to educate the public and broaden the interest in protecting and enhancing local environmental resources.
4.8 Kent Parks Foundation	Ongoing	The Kent Parks Foundation is a 501(c)(3) public charity that subsists on donations.
4.9 Other Kent Parks Programs	Ongoing	Currently, staff time, materials and an unspecified amount of funding support these programs.
4.10 Public Works Engineering Programs		
5.1 Unfunded WRIA 9 or ERP Projects	As funds and opportunity allow	The City Council passed a resolution in 2005 expressing its approval and support for the *Salmon Habitat Plan: Making our Watershed Fit for a King* (Steering Committee 2005). Projects will be funded by the City, partnering agencies and non-profit organizations, and grants as projects and funding opportunities arise. The City continues to identify funds for the implementation of the WRIA 9 and ERP projects in the City of Kent
5.2 Recommended Projects	As funds and opportunity allow	Projects identified in this section would likely be implemented either when grant funds are obtained, when partnerships are formed between the City and other agencies or non-profit groups, or as may be required by the Critical Areas Regulations and the Shoreline Master Program during project-level reviews by the City.
5.3 Public Education/ Outreach	As funds and opportunity allow	The City's primary education event is its annual Planet Protectors' Summit for Kent students. On-going and future education efforts should be coordinated with the City and partnering agencies, including funding sources (grant funding, monetary donations, volunteer hours).

City planning staff will track all land use and development activity, including exemptions, within shoreline jurisdiction, and will incorporate actions and programs of the Parks and Public Works departments as well. A report will be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, linear feet of shoreline armoring removed or modified levees, or number of fish passage barriers corrected. The report would also update Tables 10, 11 and 12 above, and outline implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff report will be assembled to coincide with Comprehensive Plan updates and will be used, in light of the goals and objectives of the Shoreline Master Program, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the Shoreline Analysis Report (The Watershed Company 2008). In the long term, the City should be able to demonstrate a net improvement in the City of Kent's shoreline environment.

Based on the results of this assessment, the City may make recommendations for changes to the SMP.

G. Restoration Priorities

The process of prioritizing actions that are geared toward restoration of the City's shoreline areas involves balancing ecological goals with a variety of site-specific constraints. Briefly restated, the City's environmental protection and restoration goals include 1) protecting watershed processes, 2) protecting fish and wildlife habitat, and 3) contributing to chinook conservation efforts. Constraints that are specific to Kent include a heavily confined and leveed Green River shoreline area, a highly developed shoreline along Lake Meridian with predominantly private ownership, and heavy commercial development along Springbrook Creek. While other areas may already offer fairly good ecological functions (Big Soos Creek, Lake Fenwick, Jenkins Creek, and the GRNRA), they tend to include opportunities to further enhance ecological functions. These goals and constraints were used to develop a hierarchy of restoration actions to rank different types of projects or programs associated with shoreline restoration. Programmatic actions, like continuing WRIA 9 involvement and conducting outreach programs to local residents, tend to receive relatively high priority opposed to restoration actions involving private landowners. Other factors that influenced the hierarchy are based on scientific recommendations

specific to WRIA 9, potential funding sources, and the projected level of public benefit.

Although restoration project/program scheduling is summarized in the previous section (Table 14), the actual order of implementation may not always correspond with the priority level assigned to that project/program. This discrepancy is caused by a variety of obstacles that interfere with efforts to implement projects in the exact order of their perceived priority. Some projects, such as those associated with riparian planting, are *relatively* inexpensive and easy to permit and should be implemented over the short and intermediate term despite the perception of lower priority than projects involving extensive shoreline restoration or large-scale capital improvement projects. Straightforward projects with available funding should be initiated immediately for the worthwhile benefits they provide and to preserve a sense of momentum while permitting, design, site access authorization, and funding for the larger, more complicated, and more expensive projects are under way.

1. Priority 1 – Levee Modifications and Floodplain Reconnection

Because of the isolation of the Green River floodplain from the Green River by the levee, floodplain habitats, including off-channel and side channel habitats, are typically described as the most diminished types of salmonid fish habitat relative to the pristine condition. The lack of these habitat types is a limiting factor for chinook salmon recovery. As discussed above, the historic use and prevalence of levees has greatly diminished the habitat value of extended floodplains. Restoration of these areas has been found to be one of the most beneficial of all types of stream and river enhancements. Projects in this category include the WRIA 9 recommended projects listed in Table 11:

- Project(s) LG-7 - Lower Mill Creek, Riverview (Formerly Green River) Park, Hawley Road Levee, Lower Mullen Slough, and Lower Mill Creek Restoration Between RM 21.3 and 24 (Both Banks)
- Project LG-9 - Rosso Nursery Off-Channel Rehabilitation and Riparian Restoration Between RM 20.8 and 20 (Left Bank) [being implemented by City as “Lower Green River Property Acquisition” in nearby locations]
- Project LG-10 - Mainstem Maintenance (including the Boeing Levee Setback and Habitat Rehabilitation) Between RM 20.5 and 16.3
- Project LG-13 - Acquisition, Levee Setback, and Habitat Rehabilitation Between RM 15.3 and 14.7 (Right Bank)

2. Priority 2 – Continue Water Resource Inventory Area (WRIA) 9 Participation

Of basic importance is the continuation of ongoing, programmatic, basin-wide programs and initiatives such as the WRIA 9 Forum. Continue to work collaboratively with other jurisdictions and stakeholders in WRIA 9 to implement the *2005 Salmon Habitat Plan: Making our Watershed Fit for a King* (Habitat Plan). This process provides an opportunity for the City to keep in touch with its role on a basin-wide scale and to influence habitat conditions beyond its borders, which, in turn, come back to influence water quality and quantity and habitat issues within the City.

3. Priority 3 –Improve Water Quality and Reduce Sediment and Pollutant Delivery

Although most of the streams and their basins located within the City are outside of shoreline jurisdiction, their impacts to shoreline areas should not be discounted. Many of these streams have the potential to provide fish and wildlife habitat. They are also a common receiving body for non-point source pollution, which in turn delivers those contaminants to shoreline waterbodies.

Watershed-wide programmatic actions listed in the Habitat Plan include four actions focused on addressing water quality and stormwater controls:

- Program WW-11: Expand/Improve incentives Programs
- Program WW-12: Improve Enforcement of Existing Land Use and Other Regulations
- Program WW-13: Increase Use of Low Impact Development and Porous Concrete
- Program WW-14: Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon

These recommendations emphasize the use of low impact development techniques, on-site stormwater detention for new and redeveloped projects, and control of point sources that discharge directly into surface waters. They involve protecting and restoring forest cover, riparian buffers, wetlands, and creek mouths by revising and enforcing Critical Areas Regulations and Shoreline Master Programs, incentives, and flexible development tools.

4. Priority 4 – Reconnect Fish Passage to Green River Tributaries

Expanding available fish habitat and rearing opportunities for anadromous fish is a high priority for the City. One of the key mechanisms is to improve fish passage by reconnecting mainstem river habitat to local tributaries.

The City is completed fish habitat improvements within the outlet from Lake Meridian (Lake Meridian Outlet Realignment Project). This project realigned the lake outflow of Lake Meridian, otherwise known as Cow Creek, through a forested area to improve fish habitat on its way to Big Soos Creek. This project currently is funded through Phase 2 of 3, with Phase 2 expected to begin in 2009.

Recommended projects from the Habitat Plan include:

- Project(s) LG-7 - Lower Mill Creek, Riverview (Formerly Green River) Park, Hawley Road Levee, Lower Mullen Slough, and Lower Mill Creek Restoration Between RM 21.3 and 24 (Both Banks)

5. Priority 5 – Public Education and Involvement

Public education and involvement has a high priority in the City. While this is especially important for areas directly affected by residential development (i.e. Lake Meridian) or floodplain and levee management (i.e. Green River), it has already resulted in vast improvements to the GRNRA and Green River projects. Opportunities for restoration outside of residential property are extensive along most shoreline areas in the City. Only Lake Meridian is highly impacted by residential development. Therefore, in order to achieve the goals and objectives set forth in this Chapter 8, “Restoration Plan,” most of the restoration projects (except for those on Lake Meridian) would likely occur on public property. Thus, providing education opportunities and involving the public is key to success, and would possibly entail coordinating the development of a long-term Public Education and Outreach Plan to gain public support.

6. Priority 6 – Acquisition of Shoreline Property for Preservation, Restoration, or Enhancement Purposes

The City should explore opportunities to protect natural areas or other areas with high ecological value via property acquisition. Mechanisms to purchase property would likely include collaboration with other stakeholder groups including representatives from local government, businesses and the general public in order to develop a prioritized list of actions. Such a coordinated effort is listed as a watershed-wide programmatic action in the Habitat Plan:

- Program WW-15: Develop a Coordinated Acquisition Program for Natural Areas

The Habitat Plan also includes the following specific acquisition project:

- Project LG-13 - Acquisition, Levee Setback, and Habitat Rehabilitation Between RM 15.3 and 14.7 (Right Bank)

7. Priority 7 – Improve Riparian Vegetation, Reduce Impervious Coverage

Similar to Priority 3, Section G.3 above, to improve water quality and reduce sediment and pollutant delivery, improved riparian vegetation and reduction in impervious surfaces are emphasized throughout the Habitat Plan. All of the specific projects listed in Table 11 (LG No. 3, 4, 7, 9, 10, and 13) include some form of protecting and improving riparian vegetation. Watershed-wide programmatic actions also described in the Habitat Plan include many references to improving vegetative conditions and reducing impervious surface coverage. Specific reference to planting vegetation is listed in Program WW-5: Promote the Planting of Native Trees.

In addition to the items listed in the Habitat Plan, Section E.2 above lists many areas where improvements to riparian vegetative cover and reductions in impervious surfaces are warranted.

8. Priority 8 – Reduce Shoreline and Bank Armoring, Create or Enhance Natural Shoreline and Streambank Conditions

The preponderance of shoreline armoring and its association with impaired habitat conditions, specifically for juvenile chinook salmon, has been identified as one of the key limiting factors along the Green River (Kerwin and Nelson 2000). While it is recognized that levees and revetments cannot practically be removed in all circumstances, considerations should be made to maintain and repair them using design approaches that incorporate native vegetation and large woody debris. Improvements to levees and revetments are discussed in Priority 1, Section G.1 above.

It is also recognized that reduction in shoreline armoring along lakes is also important (i.e. Lake Meridian and Lake Fenwick). While no specific lake project sites have been identified under this restoration priority, emphasis should be given to future project proposals that involve or have the potential to restore shoreline areas to more natural conditions. The City should explore ways in which to team with local property owners, whether through financial assistance, permit expedition, or guidance, to restore multiple contiguous lots.

9. Priority 9 – Reduction of In-water and Over-water Structures

Reduction of in- and over-water cover by piers, docks, and other boat-related structures is one mechanism to improve shoreline ecological

functions. While not necessarily prevalent along the Green River, pier and docks are extensive along Lake Meridian with nearly 90 percent of all parcels having a pier or dock. The Washington Department of Fish and Wildlife already regulates the size and materials for in- and over-water structures throughout the State and generally recommends finding ways to reduce both the size and density of these structures. Although no specific project sites to reduce in-water and over-water structures within residential areas are identified here, future project proposals involving reductions in the size and/or quantity of such structures should be emphasized. Such future projects may involve joint-use pier proposals or pier reconstruction and may be provided with an expedited permit process.

10. Priority 10 – Reduce Aquatic Invasive Weeds in Lakes

While not specifically listed in the Habitat Plan, reduction of aquatic invasive weeds from the City's lakes is emphasized in Section E.2. All three lakes (Lake Fenwick, Lake Meridian, and Panther Lake) have experienced growth of non-native and often invasive aquatic vegetation. Problem species include Eurasian watermilfoil, Brazilian elodea and water lily. Future mechanisms to control weed growth range from possible substrate blankets (Lake Meridian) to introduction of grass carp (Lake Fenwick). Not only are aquatic weeds a problem for boats and swimmers, but they also tend to reduce dissolved oxygen to lethal levels for fish, hampering foraging opportunities.

11. Priority 11 – City Zoning, Regulatory, and Planning Policies

City policies and development regulations are listed as being of lower priority in this case simply because they have been the subject of a thorough review and have recently been updated accordingly. Notably, the City's Critical Areas Ordinance was recently updated (2015) consistent with the Best Available Science for critical areas, including those within the shoreline area.

The City received its final National Pollutant Discharge Elimination System (NPDES) Phase II permit in January 2013 from Department of Ecology. The NPDES Phase II permit is required to include the City's stormwater discharges into regulated lakes and streams. Under the conditions of the permit, the City must protect and improve water quality through public education and outreach, detection and elimination of illicit non-stormwater discharges (e.g., spills, illegal dumping, wastewater), management and regulation of construction site runoff, management and regulation of runoff from new development and redevelopment, and pollution prevention and

maintenance for municipal operations. The next 5-year permit is scheduled to go into effect on August 1, 2019.

Watershed-wide programmatic actions listed in the Habitat Plan include three actions focused on regulatory mechanisms to restore ecological functions:

- Program WW-11: Expand/Improve Incentives Programs
- Program WW-12: Improve Enforcement of Existing Land Use and Other Regulations
- Program WW-14: Provide Incentives for Developers to Follow Built Green™ Checklist Sections Benefiting Salmon

H. References

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Email correspondence. Tom Murdoch, Director, Adopt-A-Stream Foundation. June 2, 2008.

Email correspondence. Lori Flemm, Superintendent of Parks & Open Space, Kent Parks, Recreation and Community Services. November 2008

Personal interview. Beth Tan, P.E., Environmental Engineer III, City of Kent Public Works Environmental Engineering, November 6, 2008

Personal interview. Matt Knox, Environmental Biologist, City of Kent Public Works Environmental Engineering. November 6, 2008

Personal interview. Shawn M. Gilbertson, Environmental Engineer II, NPDES, City of Kent Public Works Engineering, November 6, 2008.

APPENDIX A:

Shoreline Environment Designation Maps

Environment Designations

Big Soos Creek / Jenkins Creek

- Shoreline Master Program - City of Kent

N W E S

0 400 800 Feet

Scale: 1" = 800'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

- High Intensity
- Shoreline Residential
- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

Data Source: City of Kent GIS, King County GIS & WSDOT GIS

Wetlands are not shown on this map. SMP Chapter 2 section B.1 designates associated wetlands and those within the 100-year floodplain as the Natural-Wetlands Environment. The City of Kent Wetland Inventory Maps identify all wetlands in the city and the 100-year floodplain is identified on the Flood Hazard Areas map in the Shoreline Inventory & Analysis Report.

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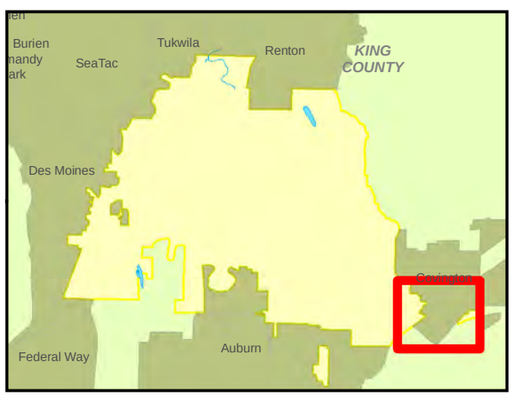

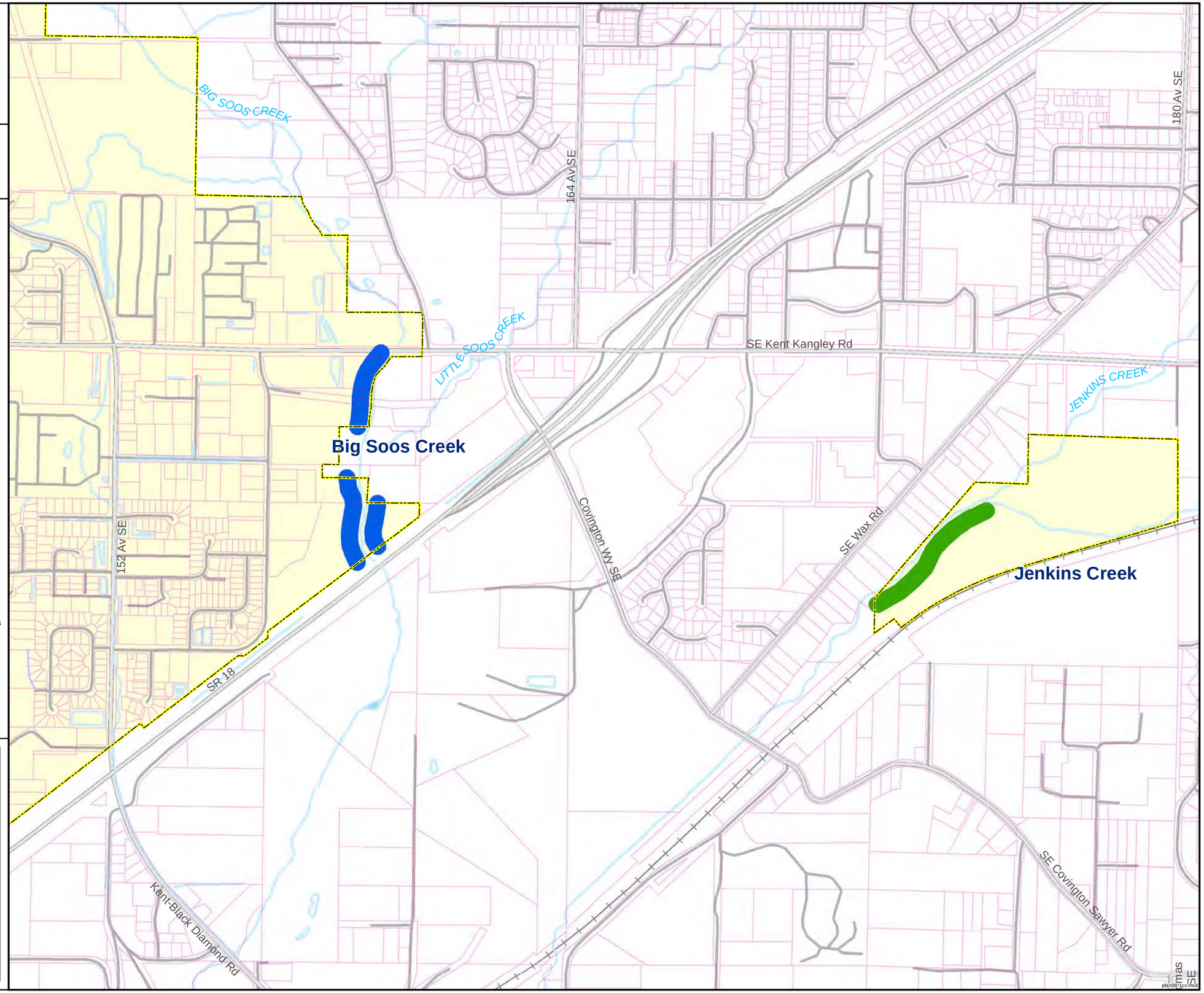

Environment Designations

Lake Meridian

- Shoreline Master Program - City of Kent

N W E S

0 400 800 Feet

Scale: 1" = 800'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

- High Intensity
- Shoreline Residential
- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

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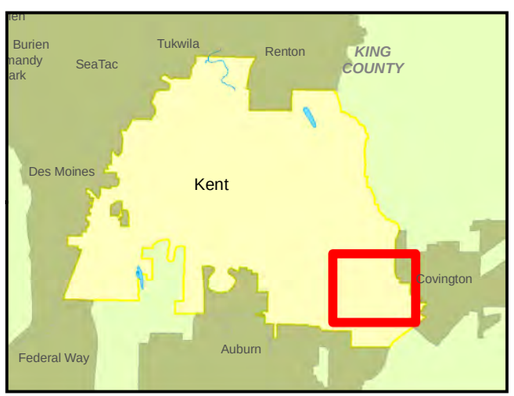

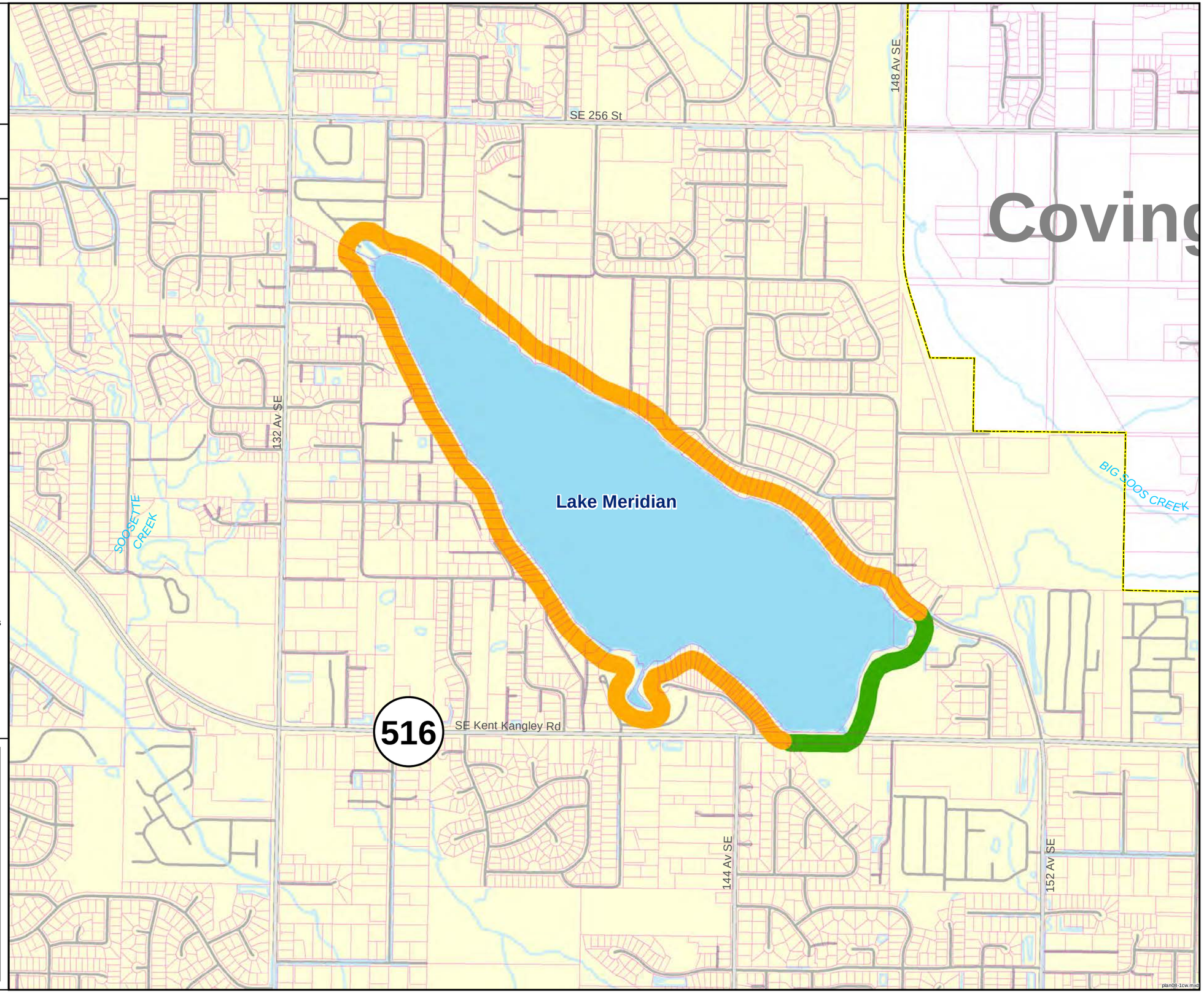

Environment Designations

Panther Lake

- Shoreline Master Program - City of Kent

N W E S

0 400 800 Feet

Scale: 1" = 800'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

- High Intensity
- Shoreline Residential
- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

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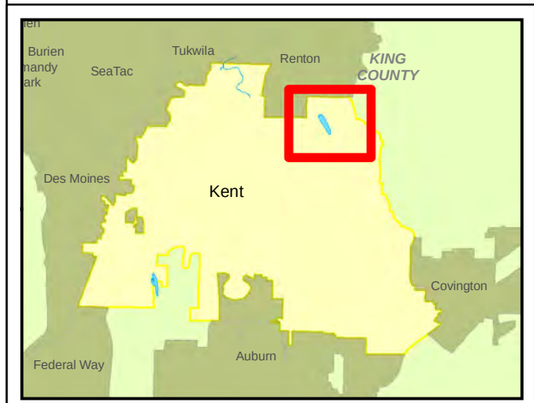

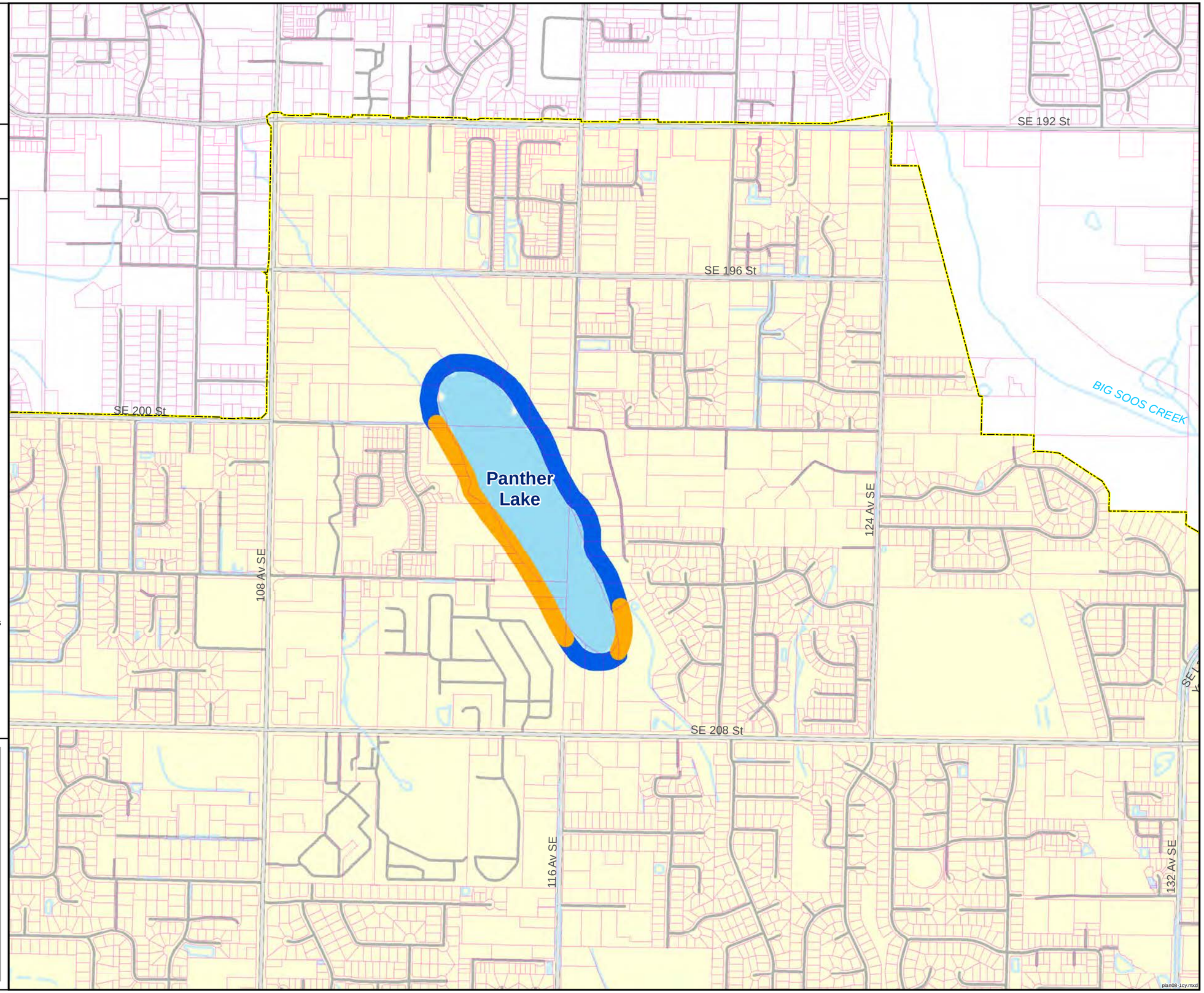

Environment Designations

Lake Fenwick

- Shoreline Master Program - City of Kent

0 400 800 Feet

Scale: 1" = 800'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

- High Intensity
- Shoreline Residential
- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

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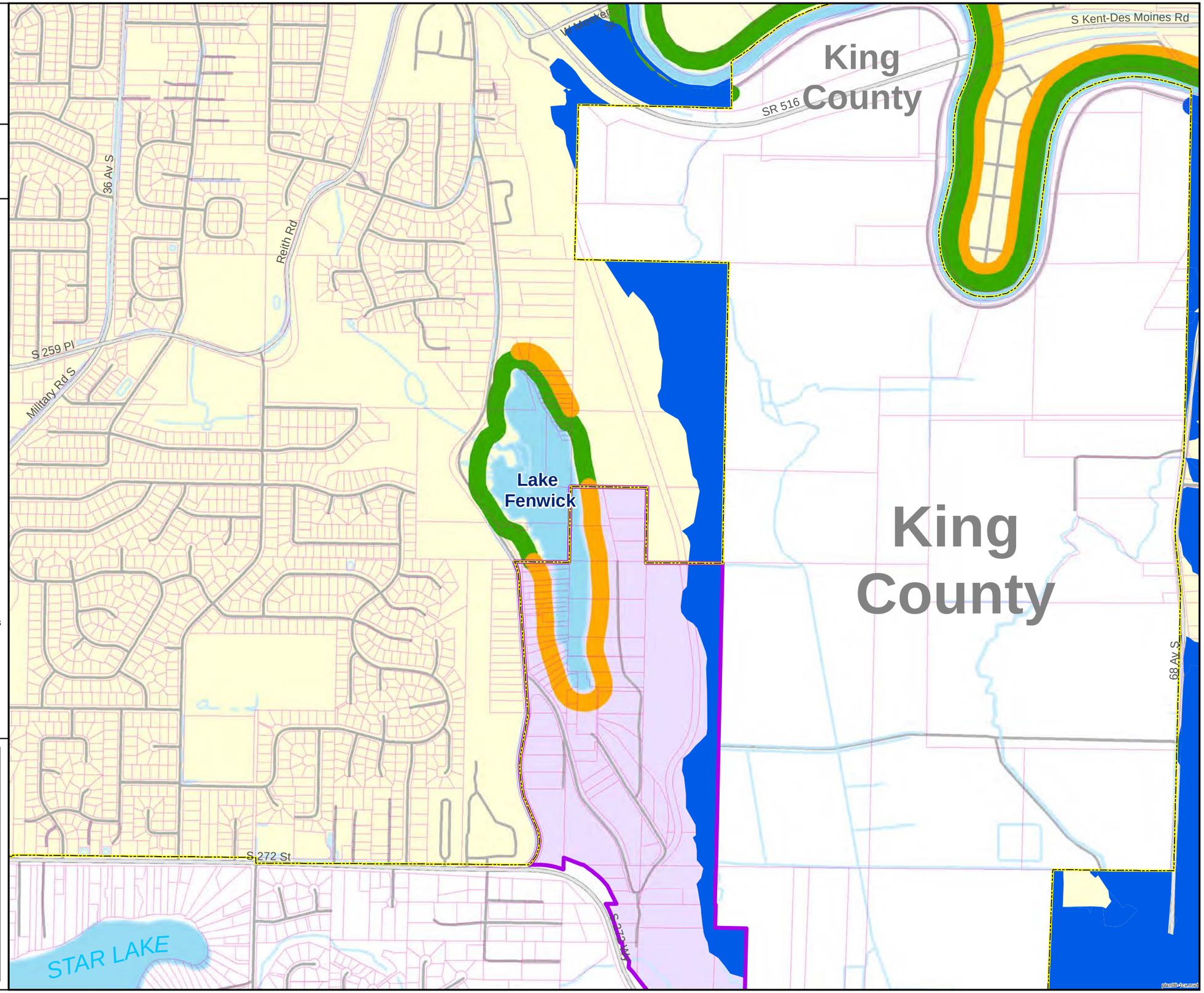

Environment Designations

Green River Natural Resources Area

- Shoreline Master Program - City of Kent

N W E S

0 400 800 Feet

Scale: 1" = 800'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

- High Intensity
- Shoreline Residential
- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

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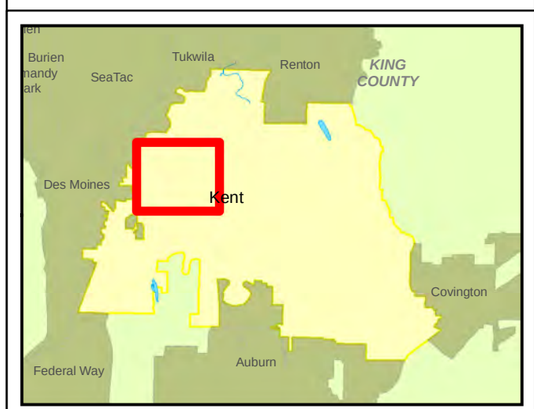

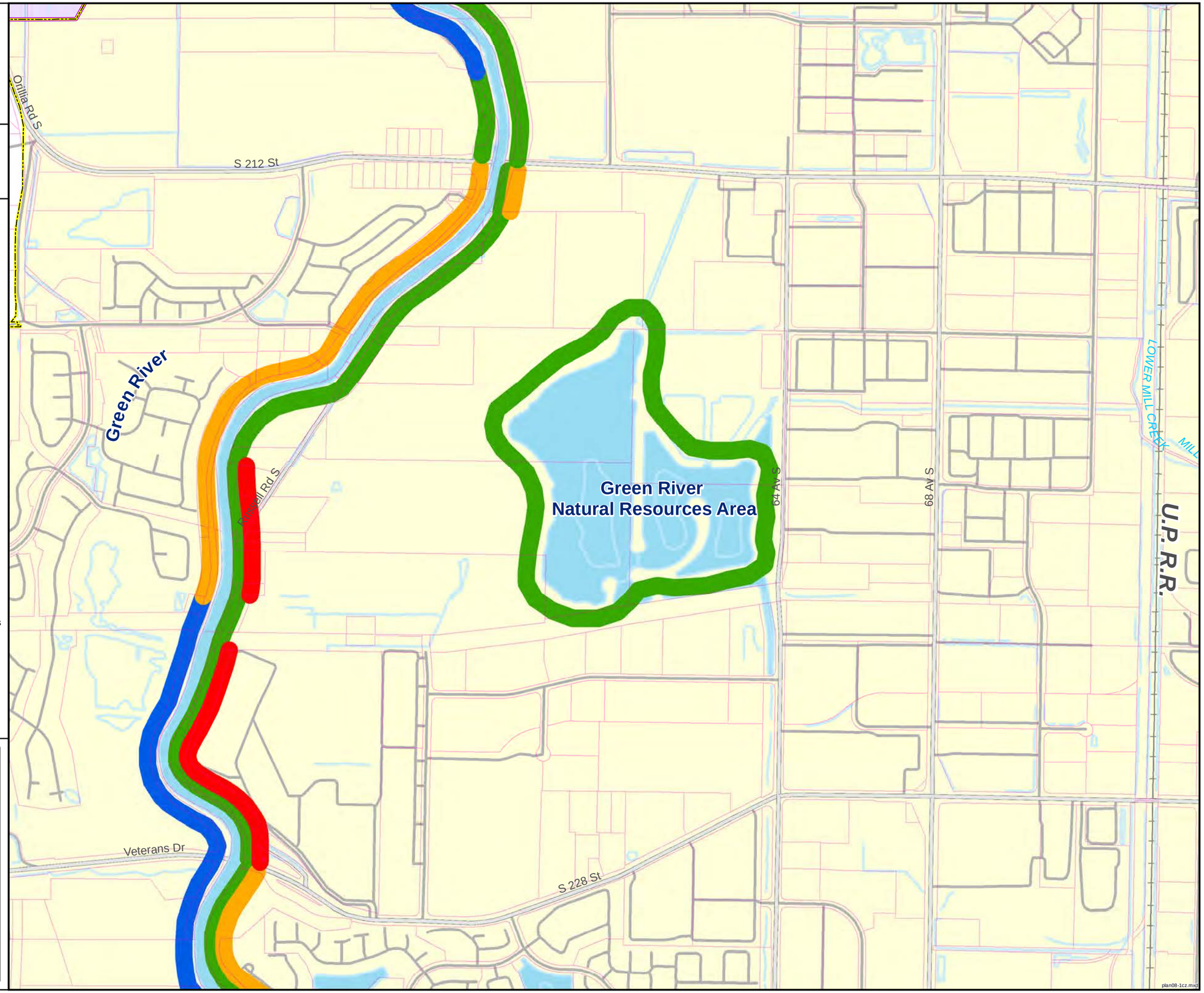

Environment Designations

Green River (1 of 3)

- Shoreline Master Program - City of Kent

N W E S

0 650 1,300 Feet

Scale: 1" = 1,300'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

- High Intensity
- Shoreline Residential
- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

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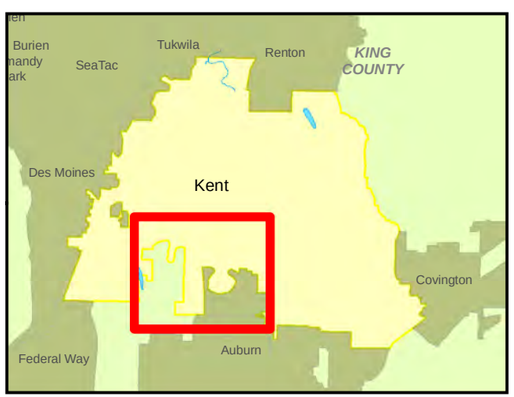

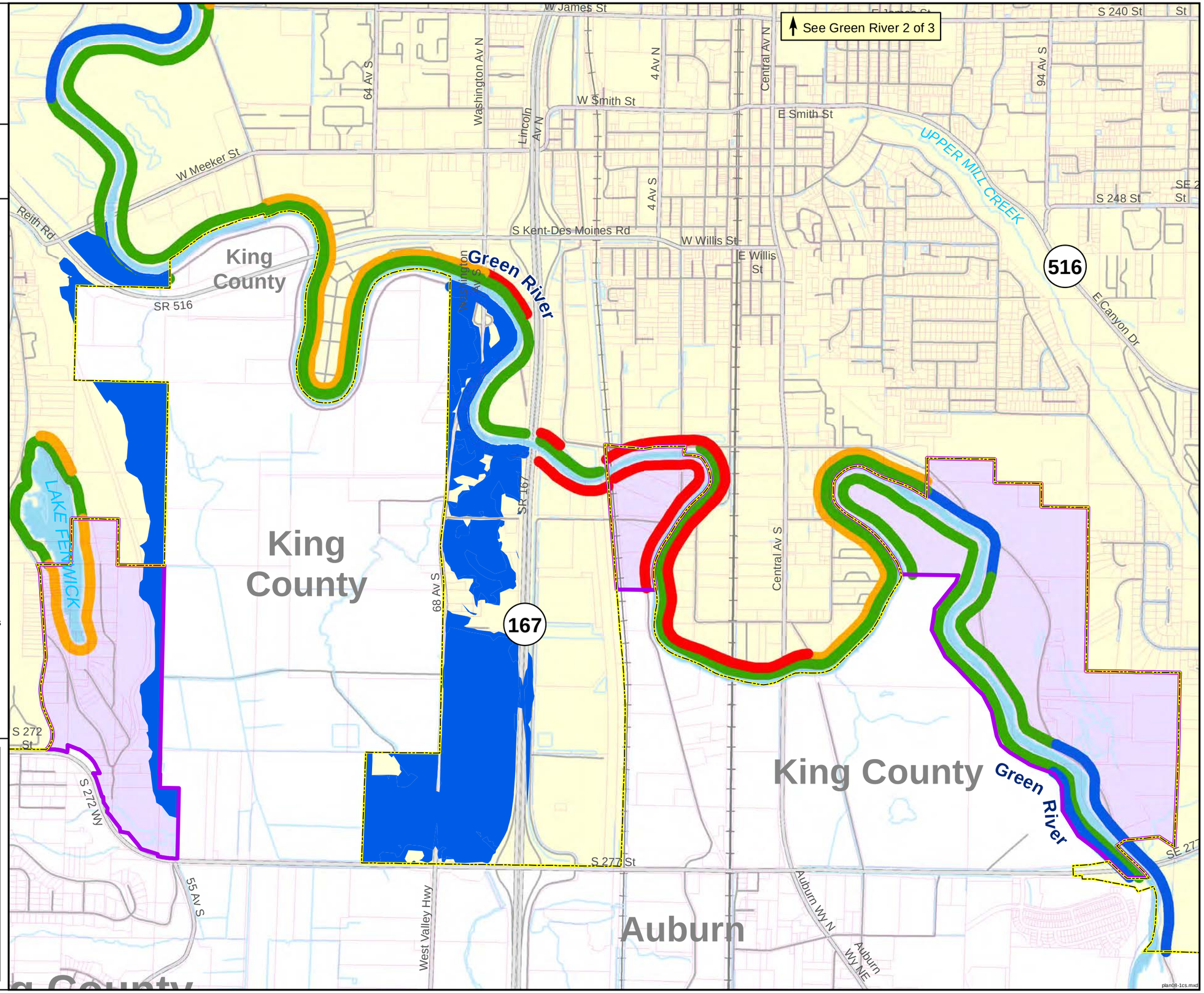

Environment Designations

Green River (2 of 3)

- Shoreline Master Program - City of Kent

N W E S

0 650 1,300 Feet

Scale: 1" = 1,300'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

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- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

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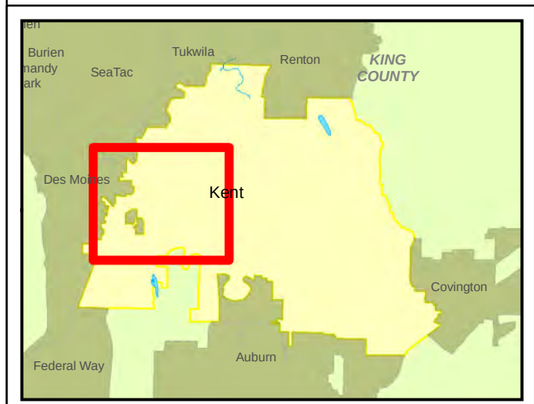

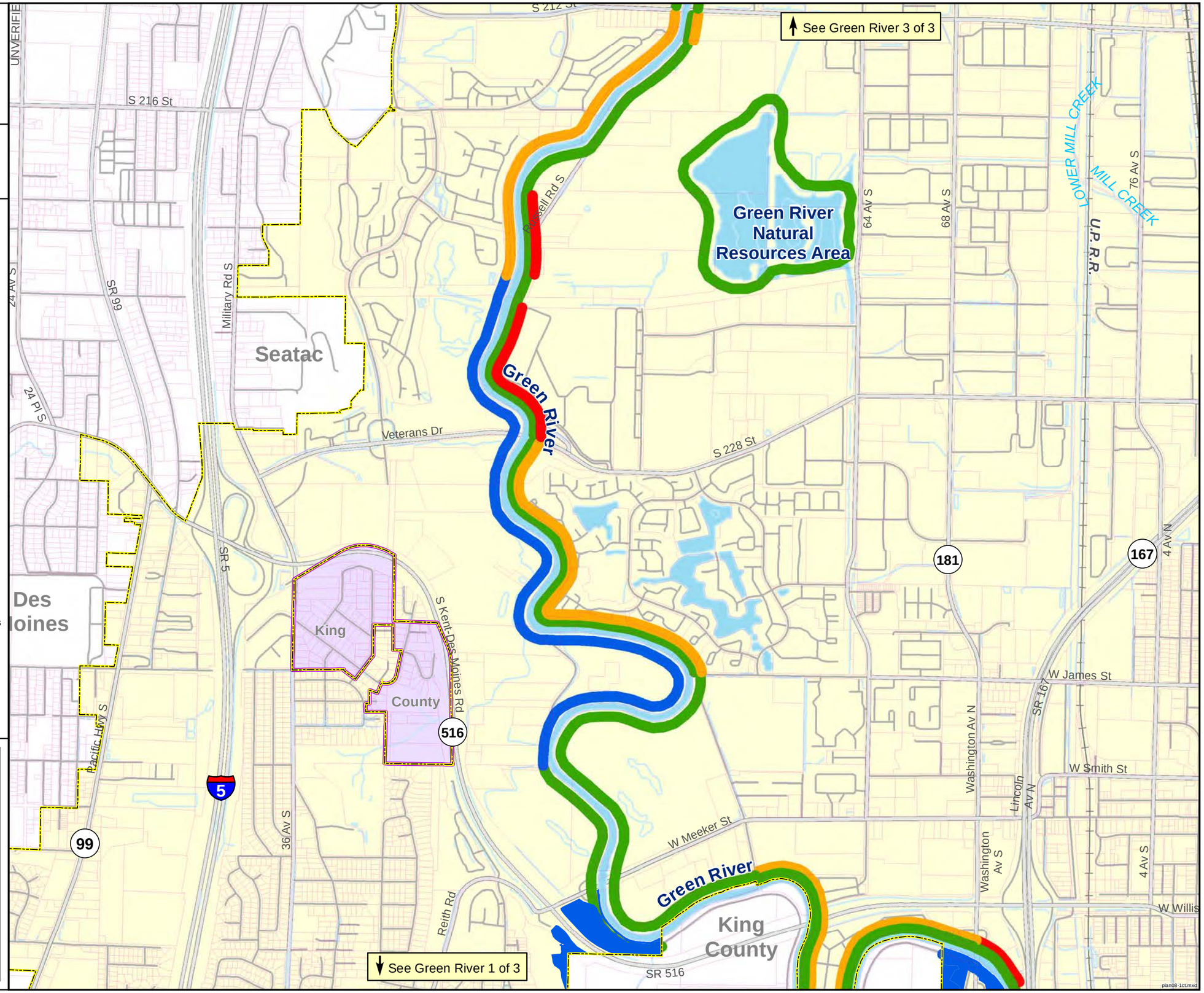

Environment Designations

Green River (3 of 3) / Lower Springbrook Creek

- Shoreline Master Program -
City of Kent

N W E S

0 650 1,300 Feet

Scale: 1" = 1,300'

KENT WASHINGTON

Legend

- Kent City Limits
- Kent Potential Annexation Area
- Parcels

Environment Designations

- High Intensity
- Shoreline Residential
- Urban Conservancy - Low Intensity
- Urban Conservancy - Open Space

*** Shoreline Management Area not shown in this figure.**

Updated April, 2019

Data Source: City of Kent GIS, King County GIS & WSDOT GIS

Wetlands are not shown on this map. SMP Chapter 2 section B.1 designates associated wetlands and those within the 100-year floodplain as the Natural-Wetlands Environment. The City of Kent Wetland Inventory Maps identify all wetlands in the city and the 100-year floodplain is identified on the Flood Hazard Areas map in the Shoreline Inventory & Analysis Report.

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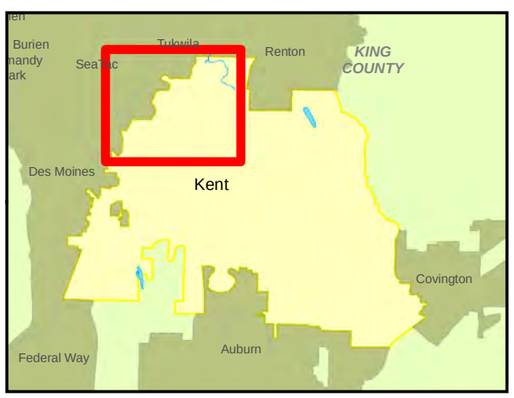

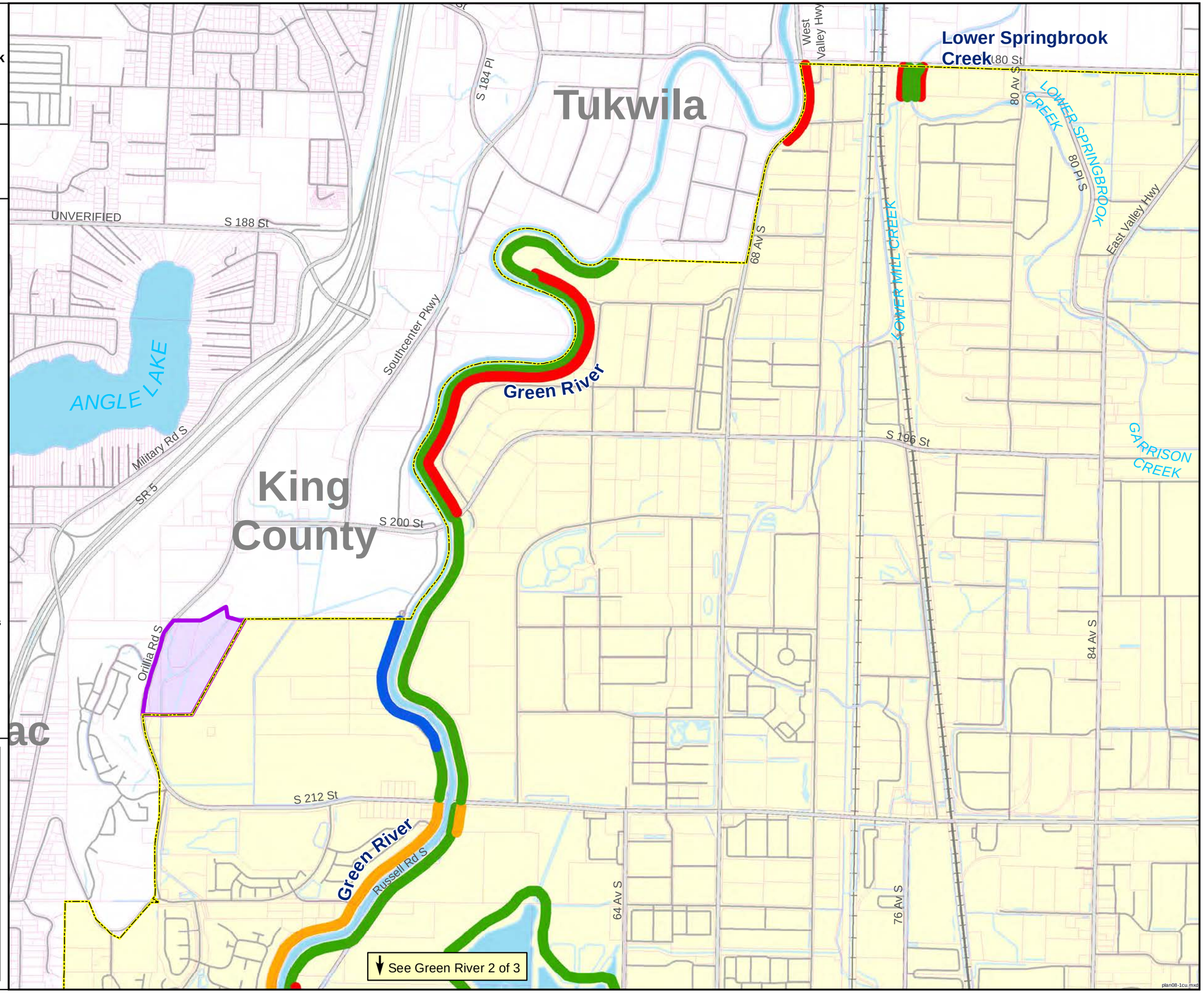

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APPENDIX B

Council Resolution No. 1714 Ratifying the WRIA Salmon Habitat Plan

Resolution No. 1714

["Beginning August 1, 2004"]

CFN= 1038 – Public Works
Passed – 11/15/05
WRIA 9 Chinook Salmon Conservation Plan

RESOLUTION NO. 1714

A RESOLUTION of the city council of the city of Kent, Washington, ratifying, with conditions, the Water Resource Inventory Area (WRIA) 9 Salmon Habitat Plan.

RECITALS

A. In March 1999, the National Oceanic and Atmospheric Administration (NOAA) Fisheries listed the Puget Sound Chinook salmon evolutionary significant unit as a threatened species under the Endangered Species Act (ESA).

B. Under ESA Section 4(f), NOAA Fisheries (for Chinook salmon) and USFWS (for Bull Trout) are required to develop and implement recovery plans to address the recovery of the species.

C. An essential ingredient for the development and implementation of an effective recovery program is coordination and cooperation among federal, state, and local agencies, tribes, businesses, researchers, non-governmental organizations, landowners, citizens, and other stakeholders as required.

D. Shared Strategy for Puget Sound, a regional non-profit organization, has assumed a lead role in the Puget Sound response to develop a recovery plan for submittal to NOAA Fisheries and the USFWS.

E. Shared Strategy intends that its recovery plan will include commitments from participating jurisdictions and stakeholders.

F. Local jurisdictions have authority over some habitat-based aspects of Chinook survival through land use and other policies and programs; and the state and tribes, who are the legal co-managers of the fishery resource, are responsible for addressing harvest and hatchery management in WRIA 9.

G. In WRIA 9, habitat actions to significantly increase Chinook productivity trends are advisable and may be necessary, in conjunction with other recovery efforts, to avoid extinction in the near term and restore WRIA 9 Chinook to viability in the long term.

H. As it balances the complexity of accommodating and encouraging growth as it addresses protection of critical areas, the city values ecosystem health; water quality improvement; flood hazard reduction; open space protection; and maintaining a legacy for future generations, including commercial, tribal, and sport fishing, quality of life, and cultural heritage.

I. The city supports cooperation at the WRIA level to set common priorities for actions among partners, efficient use of resources and investments, and distribution of responsibility for actions and expenditures.

J. Seventeen (17) local governments in WRIA 9 jointly funded development of *The WRIA 9 Steering Committee Proposed Green / Duwamish and Central Puget Sound Watershed Salmon Habitat Plan* (the Plan), published August 10, 2005, following public input and review.

K. While the Plan recognizes that salmon recovery is a long-term effort, it focuses on the next 10 years and includes a scientific framework, a start-list of priority actions and comprehensive action lists, an adaptive management approach, and a funding strategy.

L. The city has consistently implemented habitat restoration and protection projects, and addressed salmon habitat through its land use and public outreach policies and programs over the past five years.

M. It is important to provide jurisdictions, the private sector, and the public with certainty and predictability regarding the course of salmon recovery actions that the region will be taking in the Green / Duwamish and Central Puget Sound Watershed.

N. If insufficient action is taken at the local and regional level, it is possible that the federal government could list Puget Sound Chinook salmon as an endangered species, thereby decreasing local flexibility.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

RESOLUTION

SECTION 1. – *Ratification.* The city hereby conditionally ratifies *The WRIA 9 Steering Committee Proposed Green / Duwamish and Central Puget Sound Watershed Salmon Habitat Plan,* dated August 10, 2005 (the Plan). The Plan is incorporated into this resolution by this reference, and the city clerk will keep a copy of this ordinance and the Plan in his or her files and make it available for review. Ratification is intended to convey the city's approval and support for the following:

1. Purpose: The purpose of the Plan is to restore habitat used by Chinook salmon, bull trout, and other salmonids in the Green / Duwamish and Central Puget Sound Watershed.

2. Goals: The goals of the Plan are to:

   a. Protect and restore physical, chemical, and biological processes and the freshwater, marine, and estuarine habitats on which salmonids depend;

   b. Protect and restore habitat connectivity where feasible;

   c. Protect and improve water quality and quantity conditions to support healthy salmonid populations; and

   d. Provide an implementation plan that supports salmon recovery.

3. Continuing to work collaboratively with other jurisdictions and stakeholders in the Green / Duwamish and Central Puget Sound Watershed (WRIA 9) to implement the Plan.

4. Using the scientific foundation and the habitat management strategy as the basis for local actions recommended in the plan for future projects, ordinances, and other appropriate local government activities.

5. Adopting an adaptive management approach to Plan implementation and funding to address uncertainties and ensure cost-effectiveness by tracking actions, assessing action effectiveness, learning from results of actions, reviewing assumptions and strategies, making corrections where needed, and communicating progress. Developing and implementing a cost-effective regional monitoring program as part of the adaptive management approach.

6. Using the Proposed Actions and Policies to Achieve a Viable Salmonid Population, and other actions consistent with the Plan, as a source of potential site

specific projects and land use and public outreach recommendations. Jurisdictions, agencies, and stakeholders can implement these actions at any time.

7. Using the Watershed-Wide Programs and Subwatershed-specific Policies, Programs and Priority Projects list to guide priorities for regional funding in the first ten years of Plan implementation, and implementing these actions through local capital improvement projects, ordinances, and other activities. The list of policies, programs and projects will be revised over time, as new opportunities arise and as more is learned through adaptive management.

8. Using an adaptive approach to funding the Plan through both local sources and by working together (within WRIA 9 and Puget Sound) to seek federal, state, grant, and other funding opportunities.

9. Forwarding the Plan to appropriate federal and state agencies through Shared Strategy for Puget Sound, to be included in the Puget Sound Chinook salmon recovery plan.

SECTION 2. – *Implementation*. The city recognizes that negotiation of commitments and assurances/conditions with appropriate federal and state agencies will be an iterative process. Full implementation of this Plan is dependent on the following:

1. NOAA Fisheries will adopt the Plan, as an operative element of its ESA Section 4(f) recovery plan for Puget Sound Chinook salmon.

2. NOAA Fisheries and USFWS will:

a. take no direct enforcement actions against the City under the ESA for implementation of actions recommended in or consistent with the Plan;

b. endorse the Plan and its actions, and defend the City against legal challenges by third parties; and

c. reduce the regulatory burden for City activities recommended in or consistent with the Plan that require an ESA Section 7 consultation.

3. Federal and state governments will:

a. provide funding and other monetary incentives to support Plan actions and monitoring activities;

b. streamline permitting for projects implemented primarily to restore salmonid habitat or where the actions are mitigation that further Plan implementation;

c. offer programmatic permitting for local jurisdiction actions that are consistent with the Plan;

d. support the monitoring and evaluation framework;

e. incorporate, to the best of the government's ability, actions and guidance from the Plan in future federal and state transportation and infrastructure planning and improvement projects; and

f. to the extent feasible, direct mitigation resources toward Plan priorities.

SECTION 3. – ***Obligation.*** This resolution does not obligate the city council to future appropriations beyond current authority. Although the city is committed to furthering the work of WRIA 9 and the Plan, it also must balance its other goals and priorities, beyond funding limitations, under the state Growth Management Act to further economic development, enhance and accommodate growth, and protect property rights. As a result, this council action to ratify the Plan is conditioned on the city's fulfillment of these other needs and demands as well.

In particular, the city maintains a primarily aquifer-based water supply system, and the city will not implement any Plan requirement or goal if doing so would threaten or harm the city's ability to provide a safe, secure, and adequate water supply to its citizens, including future population increases, whether due to annexation or additional growth through infill.

SECTION 4. – *Severability*. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution.

SECTION 5. – *Ratification*. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

SECTION 6. – *Effective Date*. This resolution shall take effect and be in force immediately upon its passage.

PASSED at a regular open public meeting by the city council of the city of Kent, Washington, this 15 day of November, 2005.

CONCURRED in by the mayor of the city of Kent this 15 day of November, 2005.

Robert Ramirez pro tem
JIM WHITE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

Deputy ~~TOM BRUBAKER~~, CITY ATTORNEY

I hereby certify that this is a true and correct copy of Resolution No. 1714 passed by the City Council of the City of Kent, Washington, the 15 day of November, 2005.

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPENDIX C

Restoration Plan Map

Restoration Opportunities

- Shoreline Master Program - City of Kent

N W E S

0 1,800 3,600 Feet

Scale: 1" = 3,600'

KENT

Appendix C

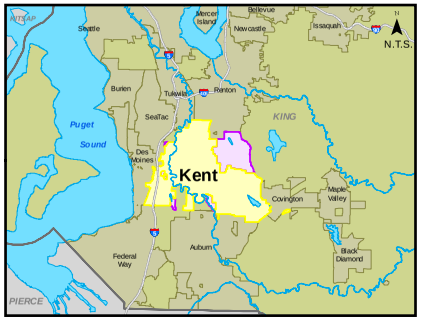
Legend

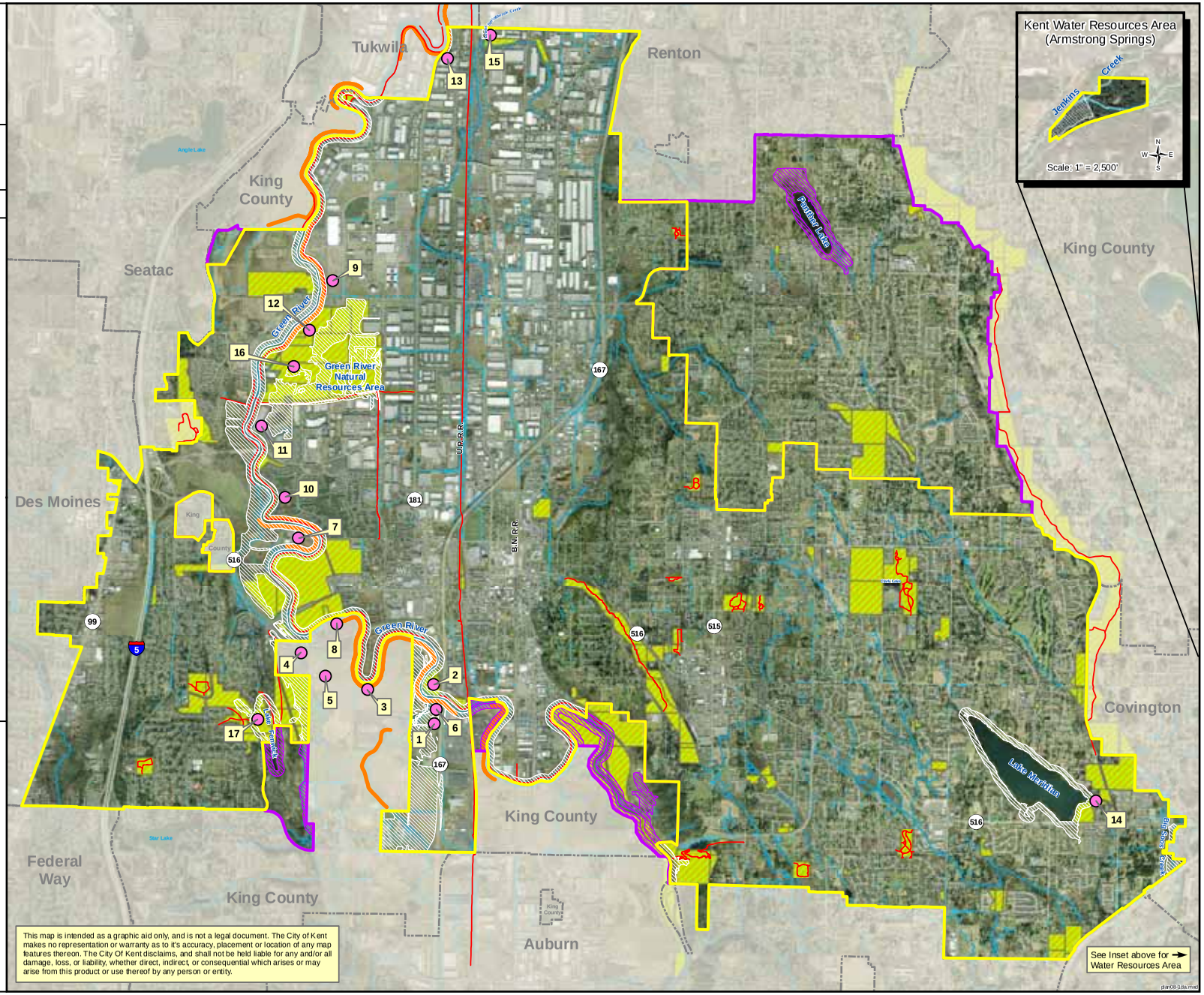
- Restoration Projects
- Public Access Trails
- Water Resource Inventory Area (WRIA 9) Projects
- Stream
- Ditch or Swale
- Shoreline Management Area (In City Limits)
- Shoreline Management Area (In PAA)
- Public Access Areas
- Kent City Limits
- Kent Potential Annexation Area (PAA)
- Adjacent City Limits

Printed June, 2009

Data Source: City of Kent GIS and King County GIS

Flown March, 2006 and Sept., 2007





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