



SHORELINE MASTER PROGRAM

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Ordinance _____

ACKNOWLEDGEMENTS

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**CITY OF SNOQUALMIE
SHORELINE MASTER PROGRAM**

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Chapter 1

Introduction to City of Snoqualmie Shoreline Master Program

A. Shoreline Management Act and City of Snoqualmie Shoreline Master Program

The Shoreline Management Act of 1971 (“SMA”) requires jurisdictions containing “shorelines of the state” as defined in the SMA to adopt a plan for the management of those shorelines. That plan is known as the Shoreline Master Program (“SMP”), and it contains policies and regulations, as required by the SMA and administrative regulations of the Department of Ecology. The City of Snoqualmie contains shorelines of the state, and a SMP is therefore required. This document is the City of Snoqualmie’s SMP.

UNLESS SPECIFICALLY EXEMPTED BY STATUTE, ALL PROPOSED USES AND DEVELOPMENT OCCURRING WITHIN SHORELINE JURISDICTION MUST CONFORM TO CHAPTER 90.58 RCW, THE SHORELINE MANAGEMENT ACT, AND THIS SHORELINE MASTER PROGRAM, WHETHER OR NOT A PERMIT IS REQUIRED.

The state policy of the SMA as enunciated in RCW 90.58.020 is hereby incorporated in this SMP by this reference.

B. Shoreline Jurisdiction Defined

“Shorelines” or “shoreline jurisdiction” for the applicability of this SMP means all of the waterbodies and the lands underlying them within the corporate limits of the City, and adjacent uplands, as identified in Section E of this chapter.

“Shorelands” is defined as follows:

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

In accordance with state law, the jurisdiction of Snoqualmie’s Shoreline Master Program encompasses Kimball Creek, Snoqualmie River Main Stem, Snoqualmie River South Fork, floodways plus two hundred feet landward of the aforementioned; Borst Lake (Snoqualmie Mill Pond), land within 200 feet of the ordinary high water mark (OHWM) of these waterways, and associated wetlands within the 100-year floodplain. Due to the extent of the floodway and associated wetlands, these areas or “shorelines” may extend more than a mile from the riverfront of the Snoqualmie River.

C. Shorelines of the State in the City of Snoqualmie

Shorelines of the state within King County are those streams having a mean annual flow greater than twenty cubic feet per second inventoried in WAC 173-18-210 and those lakes greater than twenty acres in size inventoried in WAC 173-20-360. Three streams and one lake within the City of Snoqualmie meet these criteria and are therefore included in this SMP. In addition, shorelines may additionally be designated as shorelines of statewide significance.

1. Snoqualmie River Main Stem

The main stem of the Snoqualmie River (WAC 173-18-210(53)) within the City of Snoqualmie has mean annual flows greater than twenty feet per cubic feet per second and therefore is a shoreline of the state. The main stem additionally has mean annual flows greater than one thousand cubic feet per second, and is therefore a shoreline of statewide significance.

2. Snoqualmie River South Fork

The South Fork of the Snoqualmie River (WAC 173-18-210(56)) within the City of Snoqualmie has mean annual flows greater than twenty feet per cubic feet per second and therefore is a shoreline of the state.

3. Kimball Creek

Kimball Creek below its confluence with Coal Creek (WAC 173-18-210(31)) has mean annual flows greater than twenty cubic feet per second and is therefore a shoreline of the state.

4. Borst Lake (Snoqualmie Mill Pond)

The Mill Planning Area northeast of Historic Downtown Snoqualmie on the right bank of the Snoqualmie River contains the former Weyerhaeuser Mill and Borst Lake (also known as the Mill Pond). Borst Lake is a lake greater than twenty acres in area, and is inventoried as a shoreline of the state (WAC 173-20-360).

5. Associated Wetlands

The Snoqualmie River and wetlands associated with the Snoqualmie River and Kimball Creek respectively are depicted on Maps A.2 in Appendix A. The associated wetlands contained within the floodplain are subject to the Shoreline Master Program.

6. Shorelands

Upland areas called shorelands extend 200 feet landward from the edge of the floodway and shorelines of the state are subject to this Shoreline Master Program. These upland areas are further defined in RCW 90.58.030(2)(d) or as amended.

D. Shoreline Analysis Report

The City commissioned Otak to prepare a Shoreline Analysis Report, including a Shoreline Inventory and Characterization for the City of Snoqualmie's shorelines. The Shoreline Analysis Report (Otak, February 2012) examined land use patterns, transportation, wastewater and stormwater facilities, impervious surfaces, shoreline modifications, existing and potential public access sites, critical areas, floodplains and channel migration zones, historical or archaeological sites, other areas of special interest, and opportunity areas for shoreline restoration.

The Shoreline Analysis Report broke down its inventory and analysis into twelve discrete segments of shoreline within the current city limits and the City of Snoqualmie's Urban Growth Area ("UGA"). For each segment, the Shoreline Analysis Report has inventoried existing conditions and analyzed ecological processes and functions for each segment.

The shoreline environment designations, goals and policies and regulations of this SMP were developed from consideration of the Shoreline Analysis Report. When an action can only be permitted if there is no net loss of shoreline ecological function, reference is to be made to the Shoreline Analysis Report for a determination of baseline conditions for ecological processes and functions.

E. Shorelines of the City of Snoqualmie Designated and Map Adopted

The following areas are hereby declared to collectively constitute the shorelines of the City subject to the policies and regulations of this SMP: (a) all of the Snoqualmie River main stem and South Fork of the Snoqualmie River within the City, (b) Kimball Creek below its confluence with Coal Creek, (c) Borst Lake, (d) all upland land areas two hundred feet landward from the ordinary high water mark of the foregoing water bodies, (e) wetlands associated with the foregoing water bodies, (f) the floodway of the Snoqualmie River according to the most recent Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA) for the City of

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Snoqualmie, and (g) the upland land areas two hundred feet landward from the FEMA floodway according to the most recent FIRM published by the FEMA.

The shorelines of the City are mapped on Map A.1 in Appendix A, Shoreline Jurisdiction and Environments Map, which is hereby adopted as the official map of the shorelines of the City for this SMP.

Chapter 2

Shoreline Environments

A. Shoreline Environment Designations

Shoreline environments are geographical divisions of the shoreline within which goals, management policies, and development standards and regulations specific to that environment may apply. These designations are derived from, but are not exactly coextensive with, the segments inventoried in the Shoreline Analysis Report. This chapter explains the purpose and designation criteria for each of the shoreline environments, and adopts the map showing the locations of the shoreline environments within the boundaries of shoreline jurisdiction.

Six shoreline environments for the City are defined in this chapter. The six shoreline environments are:

1. Urban Riverfront Environment
2. Urban Floodplain Environment
3. Urban Conservancy Environment
4. Hydropower Environment
5. Natural Environment
6. Aquatic Environment

The location of each of these shoreline environments is hereby established as shown and described in Appendix A, Map A.1 and narrative descriptions A.2., which are hereby adopted as the official map and descriptions of the shoreline environments of the City of Snoqualmie. Pursuant to WAC 173-26-211(2)(e) any areas of the shoreline that are not mapped and/or described in Appendix A, Map A.1. and Descriptions A.2. should be automatically assigned an “urban Conservancy” designation until the shoreline can be evaluated and designated through a shoreline master program amendment. Portions of Kimball Creek below its confluence with Coal Creek are located in the City’s Urban Growth Area (UGA) and are predesignated Urban Floodplain under the Shoreline Master Program (SMP). All other areas within the UGA that fall under shoreline jurisdiction when annexed are hereby predesignated as Urban Floodplain Environment.

B. Shoreline Environment Purposes and Designation Criteria

This section establishes the purposes and designation criteria of the shoreline environments of the City. The management policies for each shoreline environment are set forth in Chapter 3 in the Shoreline Goals and Policies.

1. Urban Riverfront Environment and Urban Riverfront Conservancy Sub Environment

Purpose: The purpose of the Urban Riverfront Environment designation is to provide for visual and physical public access to the riverfront area immediately adjacent to the Snoqualmie River, and to allow the commercial or mixed-use development to continue and allow a variety of water-enjoyment economic development uses consistent with applicable laws and regulations. Included in this environment is the Urban Riverfront Conservancy Sub Environment; its purpose is to enhance those shoreline areas that are adjacent to the Snoqualmie River while providing opportunities for recreation, open space uses and trail development within the floodplain consistent with federal, state and local regulations for development in the floodplain.

Designation Criteria: The designated areas and criteria used for including land within the Urban Riverfront Environment include:

- a. First tier of lots along the Snoqualmie riverfront between SE Fir Street and Meadowbrook Way SE, except for those lots identified below within the Urban Riverfront Conservancy Sub Environment;
- b. Contains all or portions of the historic town center commercial zoning, including properties within the Downtown Historic and King County Landmark Commercial Districts and within the Meadowbrook Historic District;
- c. Contains existing and planned “Riverwalk” trail corridor and public parks providing for visual and physical shoreline access and enjoyment; and
- d. Lots 200 feet landward of the Snoqualmie River and/or within the floodway, between SE Northern Street and SE Newtown Street.

Designation Criteria: The designated areas and criteria used for including land within the Urban Riverfront Conservancy Sub Environment include:

- a. The portion of the first tier of lots along the Snoqualmie riverfront between Euclid Avenue and Meadowbrook Way SE;
- b. Contains existing and planned “Riverwalk” trail corridor and public parks providing for visual and physical shoreline access and enjoyment; and
- c. Identified on the City’s official zoning map as Open Space.

2. Urban Floodplain Environment

Purpose: The purpose of the Urban Floodplain Environment designation is to provide for existing and future commercial, residential, mixed-use, transportation, light industrial, recreation and open space uses within the floodplain consistent with federal, state and local regulations for development in the floodplain.

Designation criteria: The designated areas and criteria used for including land within the Urban Floodplain Environment are as follows:

- a. Lands to the south of the Snoqualmie River within the floodway and areas landward two hundred feet from such floodways, inland to the south of the Urban Riverfront Environment;
- b. Lands to the north of the Snoqualmie River and Borst Lake within the floodplain areas that are within two hundred feet from the floodway, inland to the north of the Urban Conservancy Environment;
- c. Generally characterized by existing urban development; and
- d. Areas zoned for high intensity, non-water dependent, land uses such as light industrial and commercial.

In addition, the Urban Floodplain Environment includes the associated wetlands located within and between the developed portions of the floodplain.

3. Urban Conservancy Environment

Purpose: The purpose of the Urban Conservancy Environment designation is to provide for a variety of open space, park, low intensity recreation, and low intensity agricultural uses consistent with effective environmental management of the largely undeveloped portions of the floodway and other critical areas. Because the majority of the area within the urban conservancy environment is publicly owned park and open space lands, another purpose of this designation is to provide for the protection and maintenance of floodplain functions and restoration of wetland and wildlife habitat function within the relatively undeveloped, publicly owned open space areas.

Designation Criteria: The designated areas and criteria used for including land within the Urban Conservancy Environment are as follows:

- a. Contains primarily large tracts of public or private ownership;
- b. Does not contain significant urban development;
- c. Includes open space, floodplain or other critical areas that should not be more intensively developed;
- d. Offers opportunities for ecological restoration;
- e. Retains important ecological functions, even though partially developed; and
- f. Has potential for development that is compatible with ecological restoration.

4. Hydropower Environment

Purpose: The purpose of the Hydropower Environment designation is to ensure optimum use of shorelines that are presently developed or planned for hydropower and hydropower related uses consistent with Federal Energy Regulatory Commission regulations.

Designation Criteria: The designated areas and criteria used for including land within the Hydropower Environment are as follows:

- a. Location within the boundaries of an existing Federal Energy Regulatory Commission hydropower license; and
- b. Containing an operating or planned hydropower facility and related hospitality and tourist uses.

5. Natural Environment

Purpose: The purpose of the Natural Shoreline Environment designation is to preserve, protect and enhance those shoreline areas that are adjacent to the Snoqualmie River and Kimball Creek that are relatively free from human influence, and that possess high value shoreline ecological functions and characteristics. These systems require restrictions on the intensities and types of uses permitted to maintain the integrity of the natural shoreline environment.

Designation Criteria: The designated areas and criteria used for including land within the Natural Environment are as follows:

- a. Are substantially ecologically intact; and
- b. Have high ecological value in the shoreline ecosystem; and
- c. Are located waterward of any public rights-of-way existing as of January 1, 2020.

6. Aquatic Environment

Purpose: The purpose of the Aquatic Environment designation is to protect, restore and manage the unique characteristics of the areas waterward of the ordinary high-water mark by managing uses and activities and by assuring compatibility between upland and aquatic uses.

Designation Criteria: The designated areas and criteria used for including lands within the Aquatic Environment are as follows:

- a. Located waterward of the ordinary high water mark of the Snoqualmie River Main Stem and South Fork within the corporate limits;
- b. Located waterward of Kimball Creek below its confluence with Coal Creek; or
- c. Located waterward of the ordinary high water mark of Borst Lake.

Chapter 3

Shoreline Management Goals and Policies

A. Overall Goal

The following over-arching goal of this Shoreline Master Program is intended to support and supplement all other goals and policies of this master program: shoreline uses, activities and development within the City's shoreline jurisdiction result in minimal adverse impacts to and no net loss of shoreline ecological functions.

B. Economic Development Element

The City's shoreline jurisdiction affords varying opportunities for economic development related to proximity to the Snoqualmie River. In areas very close to the left bank riverfront of the Snoqualmie River between the downtown Snoqualmie historic district and the Meadowbrook Historic District, the future development of water-dependent uses or water-related uses is unlikely. However, there is significant opportunity for additional water-enjoyment economic uses to provide visual access and aesthetic enjoyment of the main stem of the Snoqualmie River.

Borst Lake is located within the floodplain of the Snoqualmie River and is situated on the opposite side of the river from the historic downtown. Borst Lake offers opportunities for development of water-oriented growth associated with recreational tourism that will advance economic development. However Borst Lake is potentially contaminated due to the historic operations of the Snoqualmie Mill, and further review is necessary prior to implementation of any future activities on or adjacent to the lake.

Further from the riverfront of the Snoqualmie River, projects related to economic development opportunities should be encouraged based upon the suitability of the land for such development and consistency with underlying zoning.

ED G1. Water-oriented projects in support of economic development are promoted at appropriate locations in the Aquatic and Urban Conservancy environments on and adjacent Borst Lake to support recreational tourism businesses and activities, provided water quality and potential toxic contamination in Borst Lake is addressed.

ED G1-P1. Allow non-motorized boating (canoes, kayak, and similar small hand-powered vessels) within Borst Lake, provided water quality and potential toxic contamination in Borst Lake is addressed.

ED G1-P2. Allow pedestrian and bicycle trails, boardwalks, public parking and viewing areas within the buffer of Borst Lake to provide for visual access. Allow access points for non-motorized boating within the buffer of Borst Lake to provide for physical access provided water quality and potential toxic contamination in Borst Lake is addressed.

ED G2. Water-enjoyment and water-related economic development is promoted in appropriate locations near the riverfront and Borst Lake to promote tourism and support the community's economy, provided water quality and potential toxic contamination in Borst Lake is addressed.

ED G2-P1. Allow existing and new businesses in the Urban Riverfront Environment and the Urban Floodplain Environment within the Mill Planning Area to develop facilities for water-enjoyment uses, including river and lake vistas from walkways, patios and decks of restaurants and other tourist oriented businesses to enhance both tourism and general economic vitality.

ED G2-P2. Promote the development of a system of connected public riverfront trails, boardwalks and viewing platforms in the Urban Riverfront Urban Conservancy Environments, linking privately owned water enjoyment economic development and publicly owned facilities in support of tourism and general economic vitality.

ED G2-P3. Relax buffer standards in the Urban Riverfront Environment to allow for greater visual public access to the riverfront from walkways, decks or patios of businesses; provided any loss of shoreline ecological functions is fully mitigated by restoration or enhancement projects in the Natural Environment or Urban Conservancy Environment.

ED G3. Nonwater-oriented uses, which foster or enhance economic development opportunities, are located within suitable environment designations and are consistent with underlying zoning.

ED G3-P1. Prohibit nonwater-oriented economic development in the Natural Environment.

ED G3-P2. Allow economic development in the Urban Conservancy Environment only to the extent consistent with the underlying zoning, and preserves the largely undeveloped nature of this environment consistent with existing low intensity recreation and agricultural uses, preservation of floodplain storage functions, protection of publicly owned open spaces, and public access to the Snoqualmie River.

ED G3-P3. Allow nonwater-oriented economic development, including retail, commercial, and light industrial uses in the Urban Floodplain Environment consistent with underlying zoning, critical areas regulations and flood hazard regulations.

ED G3-P4. Allow economic development for power generation in the Hydropower Environment consistent with Federal Energy Regulatory Commission regulations.

ED G3-P5. Allow hospitality, passive recreation, and visitor support uses which support economic development opportunities in the Hydropower Environment consistent with the importance of Snoqualmie Falls as a unique international attraction.

C. Public Access Element

Public access includes 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)(d)(i)). Two City parks within the Urban Riverfront Environment provide direct public access to the riverfront of the Snoqualmie River. Sandy Cove Park at the foot of King Street affords good visual access year round, provides direct access to the water's edge except during periods of high water and flooding, and offers wading access. Riverview Park on Park Street provides only visual access due to its high bank. The City has also acquired a number of additional high-bank parcels along the left bank of the Snoqualmie River within the Urban Riverfront Environment, which will provide visual public access to the river once developed for public access. The King County Flood Control Zone District currently owns a significant portion of riverfront parcels in the Meadowbrook neighborhood at the eastern end of the Urban Riverfront Environment, which is expected to be conveyed to the City for park and open space uses. These parcels could provide additional visual access in the future.

The City owns large undeveloped open spaces within the Natural and Urban Conservancy Environments, which could be enhanced for additional physical and visual public access. These include the Kimball Creek open space (adjacent to the banks of Kimball Creek near its mouth) and the Snoqualmie River Open Space, (between SR 202 and the Snoqualmie River through which Kimball Creek flows to its mouth). The City also owns the portion of Three Forks Natural Area on the left bank of the Snoqualmie River within the city limits. All of these areas could be enhanced for additional public access, including trails, picnic areas and, in some locations, seasonal access to the water's edge for various recreation opportunities.

The existing SR202 and Meadowbrook Way Bridges, as well as King County's uncompleted Snoqualmie Valley Trail pedestrian bridge, provide visual public access to the Snoqualmie River.

The privately owned Puget Sound Energy Park within the Hydropower Environment also affords public access. An estimated two million people visit the park annually, where they can view Snoqualmie Falls from the upper Park's walkways and overlooks, or they can follow a hiking trail to the bottom of the Falls, where Puget Sound Energy provides direct public access for kayakers and other recreation users.

The greatest opportunity to enhance public access to the riverfront of the Snoqualmie River lies in a connected system of publicly accessible riverfront trails and viewing platforms, comprising a looped riverwalk corridor on both banks of the Snoqualmie River. Portions of the proposed system area are located on private land; therefore, the City acquired a large amount of left bank riverfront real property which could form the backbone of a river walk trail system with viewing platforms from Snoqualmie Falls to the Meadowbrook Bridge. Within the Mill Planning Area, the City has also secured commitments from the property owners for a riverwalk trail corridor along the right bank of the Snoqualmie River, which will allow for development of a looped system with connections to local and regional upland trail corridors.

Another potentially important opportunity for additional public access and enjoyment of the shoreline and linkage to water-oriented economic development is for a pedestrian and bicycle trail around Borst Lake, with put-in/take-out points for non-motorized boating. Borst Lake and its surrounding land are currently entirely privately-owned, and Borst Lake is potentially contaminated due to the historic operations of the Snoqualmie Mill and further review is necessary prior to implementation of any future activities on or adjacent to the lake. However, the City's zoning for the property encourages development of public and private open space, parks, and recreational uses within the floodway, including Borst Lake.

PA G1. Public access to the Snoqualmie River, Kimball Creek and Borst Lake is provided through the acquisition, preservation, and extension of publicly and privately owned open spaces, parks and trails in the Natural, Urban Riverfront, and Urban Conservancy Environments.

PA G1-P1. Preserve and enhance existing visual public access to the riverfront areas at publicly owned parks and open space properties along the Snoqualmie River, including Sandy Cove Park, Riverview Park, and acquired residential properties in the floodway within the Urban Riverfront Environment.

PA G1-P2. Pursue opportunities to provide additional visual or physical public access to riverfront areas in other publicly owned properties, including the Snoqualmie River Open Space and Three Forks Natural Area in the Natural Environment and within public trail easements within the Natural Environment.

PA G1-P3. Require the provision of public shoreline access as appropriate to the Snoqualmie River and Borst Lake in conjunction with land use entitlements for development.

PA G2. Public access to the Snoqualmie River riverfront is encouraged through the provision of a system of riverwalk trails, boardwalks, and viewing platforms linking publicly owned facilities and privately owned water enjoyment economic development uses.

PA G2-P1. Pursue additional opportunities for visual public access to the riverfront from publicly owned properties, including shoreline “Riverwalk” trails, boardwalks, and viewing platforms at various locations between the SR 202 Bridge on the north and west and Meadowbrook Bridge on the south and east, incorporating private facilities providing public access to the extent feasible pursuant to ED G3-P4.

PA G2-P2. Acquire riverfront properties, or other rights of way, as they become available, subject to funding availability, for future development of a connected system of riverwalk trails, boardwalks, and public viewing platforms.

PA G2-P3. Work with riverfront property owners and business owners to incorporate private property into a connected system of “Riverwalk” trails, boardwalks and viewing platforms, linking water-enjoyment economic development in the Urban Riverfront, Urban Floodplain and Conservancy Environments.

PA G2-P4. In support of economic development, adopt development standards and regulations including relaxed buffer standards to allow riverfront water-enjoyment uses to provide visual public access for customers and the public from river oriented walkways, decks, balconies, and other viewing areas.

D. Recreation Element

Recreational opportunities vary depending on proximity to the Snoqualmie River. The City provides a number of parks and recreational opportunities in the floodway portion of its shoreline jurisdiction, such as the Meadowbrook Farm Open Space and Centennial Fields Park, which are not significantly affected by their location within shoreline jurisdiction except for periodic flooding events. Portions of Meadowbrook Farm are located in the Urban Conservancy Environment. Meadowbrook Farm is a 450-acre open space property jointly owned by the Cities of North Bend and Snoqualmie. It serves as a community separator and provides areas for community events and passive recreation and an existing and planned system of trails. Centennial Fields, located within the Urban Floodplain Environment, provides active recreational facilities including three baseball fields, one football field, a picnic shelter, and a children’s play structure.

Recreational opportunities along the riverfront of the Snoqualmie River above Snoqualmie Falls are available at Sandy Cove Park, Riverview Park, and Three Forks Natural Area, as well as the privately owned Mount Si Golf Course. Sandy Cove Park provides for passive recreation such as picnicking and viewing, but also includes an informal beach that park visitors use for wading in the summer. Riverview Park features limited active recreation facilities, with a basketball court, a picnic shelter, and children’s play equipment. The Three Forks Natural Area contains a City owned off-leash dog park and is bisected by the King County Snoqualmie Valley Trail. Recreation at this location consists mainly of passive or low intensity uses such as viewing the riverfront, hiking, fishing, picnicking, and wading. Mount Si Golf Course provides an 18-hole golf course, driving ranges, and putting green.

Puget Sound Energy provides active recreation action including access to the Snoqualmie River for boaters using kayak, canoe, and river rafts below the falls within the boundaries of the hydroelectric project and consistent with the FERC hydroelectric facility license requirements. The opportunity for expanded riverfront recreation such as swimming or boating above Snoqualmie Falls is significantly limited due to the hazards of steep banks, cold water, swift currents, and proximity to the 268 foot waterfall and the hydroelectric facilities.

Another potentially important opportunity for additional recreation and enjoyment of the shoreline is for a pedestrian and bicycle trail around Borst Lake, with put-in/take-out points for non-motorized boating. Borst Lake and its surrounding land are currently entirely privately-owned, and Borst Lake is potentially contaminated due to the historic operations of the Snoqualmie Mill and further review is necessary prior to implementation of any future activities on or adjacent to the lake.

R G1. A variety of active and passive recreation sites and facilities are provided as appropriate within the shoreline based on consideration of location, public safety, and protection of natural resources.

R G1-P1. Ensure shoreline recreational developments are consistent with all adopted park, recreation, and open space plans and are given priority over other development for water access and use.

R G1-P2. Allow high intensity active recreation facilities in the Urban Floodplain and Urban Conservancy Environments, provided such facilities shall comply with the applicable flood hazard regulations in Chapter 15.12 SMC.

R G1-P3. Allow low intensity active recreation facilities in all shoreline environments except the Natural Environment.

R G1-P4. Allow trails, viewing areas or platforms, and picnic areas in all environments, provided such facilities in the Natural Environment are of a size and design to have minimal impacts on the shoreline.

R G1-P5. Support trail connections between the King County Snoqualmie Valley Trail and City of Snoqualmie trails such as the Centennial Trail, and support completion of the linkage to King County's Preston-Snoqualmie Trail.

R G1-P6. Work cooperatively with Puget Sound Energy to provide safe access for non-motorized boating in the Snoqualmie River below Snoqualmie Falls, and to improve pedestrian connectivity between the privately owned Snoqualmie Falls Park and City trails and parks.

R G1-P7. Provide a riverfront trail system along both the left and right banks of the Snoqualmie River, creating a looped "riverwalk" trail offering visual public access to

the river between Snoqualmie Falls and the Meadowbrook Historic District, with connections to other local and regional trails and parks.

R G1-P8. Allow for non-motorized boating activities in the Borst Lake Aquatic Environment provided water quality and potential toxic contamination in Borst Lake is addressed.

R G1-P9. Ensure recreation facilities are located and designed to be compatible with the existing natural character and ecology of the shoreline.

R G1-P10. Allow low intensity recreational opportunities in all shoreline environments provided these activities do not result in the significant loss of vegetation.

E. Circulation Element

The transportation and circulation system within the shoreline of the City of Snoqualmie is a network of city streets, state highway SR-202, bridges, bike paths, trails, and railroad facilities. No significant new roads are planned within shoreline jurisdiction. Most anticipated work on the circulation system within shoreline jurisdiction will consist of maintenance or upgrades and improvements to existing roads. Due to the dense nature of shoreline jurisdiction in the City of Snoqualmie, bicycle paths, sidewalks, and trails could be important components of the circulation system.

CIRC G1. A multimodal circulation system is provided within shoreline jurisdiction.

CIRC G1-P1. Ensure that all new or upgraded roads within shoreline jurisdiction include adequate facilities for pedestrians, bicycles, and public transportation as appropriate.

CIRC G1-P2. Encourage the development of trail and bicycle paths in riverfront areas where appropriate, provided they are constructed in a manner compatible with the existing natural character and ecology of the shoreline.

CIRC G1-P3. Where feasible, create connections between new and existing trails.

CIRC G1-P4. Locate and design circulation systems as necessary to satisfy public needs while minimizing impacts to the natural features and functions of the shoreline.

CIRC G1-P5. Allow existing transportation facilities to be maintained, repaired, and replaced in all shoreline environments.

CIRC G1-P6. Implement the Riverwalk Master Plan for purposes of providing pedestrian connectivity within shoreline jurisdictions.

F. Shoreline Use and Shoreline Modification Element

Riverfront shoreline uses in the City of Snoqualmie have historically not been water-dependent or water-oriented except for those hydropower, hospitality and recreation uses at Snoqualmie Falls. There are no marinas, wharves, docks, piers, or other similar facilities. This is mainly due to the Snoqualmie Falls, which is a 268 foot high, impassible barrier to further upstream navigation. In addition, the Snoqualmie River currents pose a danger for recreational boating, floating, or swimming upstream of Snoqualmie Falls. Historically, residential and commercial uses were located near the riverfront, with various other uses in the floodplain farther from the riverfront including residential, commercial, schools, churches and the railroad. In general, existing retail and commercial uses near the riverfront do not take advantage of their riverfront location.

Uses located within shoreline jurisdiction but not in proximity to the riverfront are not significantly affected by their location within shoreline jurisdiction except for flood considerations.

The Snoqualmie River is a shoreline of statewide significance. The historic commercial and residential development pattern occupies most of the downtown area near the riverfront and within the floodplain. Commercial and open space uses within the Urban Riverfront and Urban Floodplain Environments remain a viable development pattern, especially when considering the limited anticipated future development and redevelopment within shoreline jurisdiction. Residential use remains as a viable and desirable shoreline use outside of the floodway portions of the Urban Floodplain Environment.

The goals of RCW 90.58.020 for shorelines of statewide significance (preservation of natural character, long term over short term benefit, protection of resources and ecology of the shoreline, increasing public access to public owned areas, and increasing recreational opportunities) are largely achieved in Snoqualmie through acquisition, public ownership, and permanent protection of large areas of open space along the river and within the floodplain. The properties include the Kimball Creek Open Space (30.88 acres), Snoqualmie River Open Space (23.36 acres), Three Forks Natural Area (19.29 acres), portions of Meadowbrook Farm (244.47 acres), and various other riverfront parcels acquired or to be acquired by the City for flood damage reduction, open space and passive recreation purposes.

The intent of the shoreline use and modification policies is to support existing uses and appropriate new development within the City's shoreline jurisdiction, with appropriate provision for protection of critical areas, protection of public and private property, pursuing advancement of public restoration efforts, and continual assessment of the cumulative effect of all development and uses.

SU G1. Allowable uses for each shoreline environment are generally consistent with the goals of the Shoreline Management Act, the existing development pattern, the underlying zoning, and the purposes of the shoreline environment designations.

SU G1-P1. Establish allowable shoreline uses within each environment designation that are compatible with the existing development pattern, consistent with underlying zoning, and consistent with the nature and purpose of the shoreline environment in which such use is located.

SU G1-P2. Regulate development within all shoreline environments to protect the public health, safety, and welfare through application of all development regulations of general applicability throughout the City including but not limited to flood hazard regulations, clearing and grading regulations, surface and storm water regulations, and building and fire regulations.

SU G1-P3. Unless otherwise allowed by RCW 90.58.320, prohibit any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a large number of residences on areas adjoining such shorelines.

SU G1-P4. Recognize and protect private property consistent with the public interest through shoreline variances as may be necessary to avoid the unconstitutional taking of private property.

SU G1-P5. Apply lot size, building setback, height regulations, and performance standards as established by the underlying zoning regulations.

SU G1-P6. Ensure shoreline development does not result in any net loss of existing shoreline ecological functions as described in the Shoreline Analysis Report through on-going evaluation of the cumulative impacts of all permitted uses within shoreline jurisdiction and related implementation of appropriate mitigation.

SU G2. Resources of the Aquatic Environment are protected through prohibition of most uses or development other than public access.

SU G2-P1. Allow uses designed to protect and restore resources waterward of the ordinary high water mark in the Aquatic Environment.

SU G2-P2. Allow public access to the water along the riverfront in the Aquatic Environment to the extent feasible, provided such public access is not detrimental to public safety or high value ecological resources.

SU G2-P3. Allow pedestrian bridges and overwater viewing piers that provide visual access and connectivity between shoreline public access and recreation areas, provided that no significant ecological impact will result.

SU G2-P4. Allow roadway and utility bridges to be built when it can be demonstrated that there is no feasible alternative and ecological impacts are mitigated. When allowed, encourage multiple use of such facilities including pedestrian access, and limit the size to that necessary to support the structure's intended use.

SU G2-P5. Ensure all developments and uses on navigable waters or their beds are located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for safe, and unobstructed passage of fish and wildlife, particularly those species dependent on migration.

SU P6. Prohibit uses that adversely impact the ecological functions of critical freshwater habitats except where necessary to achieve the objectives of RCW 90.58.020, and then only when associated impacts are mitigated.

SU G2-P7. Prohibit in-water pipes, cables, conduits, or other similar facilities in the Aquatic Environment.

SU G3. The shoreline ecological functions of the Natural Environment remain intact or relatively free from human interference through implementation of appropriate use restrictions.

SU G3-P1. Prohibit any use or development in the Natural Environment that would degrade existing shoreline ecological functions to protect areas that are ecologically intact or minimally degraded areas.

SU G3-P2. Allow only uses requiring a riverfront location to provide public access for recreational or educational purposes, such as riverwalk trails, boardwalks and viewing platforms, or public access to natural beach areas in the Natural Environment when such uses are consistent with protecting shoreline ecological functions and public safety.

SU G3-P3. Allow maintenance of existing roads and utilities within the Natural Environment, but do not allow new roads or utilities unless there is no feasible alternative.

SU G3-P4. Encourage habitat restoration projects.

SU G3-P5. Allow low intensity public uses such as scientific, historical, cultural, and educational research uses; and water-oriented recreational access if ecological impacts are avoided.

SU G4. The Urban Conservancy Environment retains its largely undeveloped character through implementation of appropriate use restrictions.

SU G4-P1. Allow conservation, restoration, and enhancement projects and uses in the Urban Conservancy Environment that preserve, restore, or enhance natural

character; preserve open space and floodplain functions; and protect critical areas. Publicly owned lands within the Urban Conservancy Environment should be priority locations for projects to restore or enhance shoreline ecological functions.

SU G4-P2. Allow public access, recreation, low-density residential, and low intensity economic development uses in the Urban Conservancy Environment that are consistent with the underlying zoning and preserve the largely undeveloped character of this environment.

SU G4-P3. Allow agricultural uses at Meadowbrook Farm in the Urban Conservancy Environment, subject to best management practices and protection of critical areas.

SU G4-P4. Give preference to water-oriented uses over non-water oriented uses and give highest priority to water dependent uses to shoreline areas adjacent to Borst Lake. For any use in or adjacent to Borst Lake, water quality and potential toxic contamination in Borst Lake must be addressed.

SU G5. Uses in the Urban Riverfront Environment reflect the existing urban development pattern and encourage public access through riverwalk trails, boardwalks and viewing platforms linked with private water-enjoyment economic development.

SU G5-P1. Allow second story single-family and small scale multi-family residential above non-residential, retail, commercial, and limited light industrial uses in the Urban Riverfront Environment consistent with the existing development pattern and the underlying zoning.

SU G5-P2. Give preference to water-enjoyment uses on riverfront properties within the Urban Riverfront Environment that are consistent with the underlying zoning as conditional uses and appropriate to site-specific conditions, with conditions of approval for provision of public access for customers and the general public.

SU G5-P3. Allow continued use and maintenance of existing legal non-conforming residential structures and uses in the Urban Riverfront Environment, but prohibit enlargement except as permitted by applicable State and Federal floodway regulations. Require subsequent uses to be conforming uses if non-conforming residential uses are discontinued.

SU G5-P4. Restore and enhance publicly owned open space properties within the Urban Riverfront to improve ecological functions while providing for public access for views to the river and enjoyment of the riverfront. This may include provision of riverwalk trails, boardwalks, viewing platforms, parks, and supporting facilities, and for informal beach access to the riverfront where consistent with protection of shoreline ecological functions and public safety.

SU G5-P5. Require new development and redevelopment of second story single-family and small scale multi-family residential above non-residential, retail, commercial and light industrial uses in the Urban Riverfront Environment to plan for and provide views to the riverfront from walkways, decks and patios for their customers and the public. This requires site and building design oriented toward river views, and providing links to publicly owned public access facilities to the maximum extent feasible.

SU G5-P6. Use on-street and publicly owned parking facilities to the maximum extent feasible within the Urban Riverfront Environment to minimize the need for off-street parking. Locate required on-site parking, if any, landward of commercial or light industrial uses, except within the Downtown Historic District between SE Fir Street and SE River Street and the Meadowbrook Historic District around the SE Park Street and Meadowbrook Avenue SE intersection, in order to maintain the established main street development pattern.

SU G6. Uses in the Urban Floodplain Environment are consistent with the existing residential, commercial, and institutional development pattern and underlying zoning.

SU G6-P1. Allow single family and small-scale attached multi-family residential development in the Urban Floodplain Environment where authorized by the underlying zoning and when developed in a manner consistent with protection of water quality and prevention of damage to the natural environment.

SU G6-P2. Allow innovative housing types in the Urban Floodplain Environment, subject to development of appropriate authorizing regulations in the zoning code.

SU G6-P3. Require small scale multi-family residential development in the Urban Floodplain Environment to provide public access to approved trail systems located within wetland buffers, where feasible.

SU G6-P4. Allow office, retail, and other commercial development in the Urban Floodplain where authorized by the underlying zoning.

SU G6-P5. Allow light industrial uses in the Urban Floodplain Environment where authorized by the underlying zoning.

SU G6-P6. Allow governmental, educational, museum, and institutional uses in the Urban Floodplain Environment where authorized by underlying zoning.

SU G7. Uses in the Hydropower Environment are consistent with any Federal Energy Regulatory Commission license and accommodate visitors and tourists at Snoqualmie Falls.

SU G7-P1. Allow power generation facilities and accessory uses in the Hydropower Environment consistent with any license issued by the Federal Energy Regulatory Commission.

SU G7-P2. Allow other public or private utilities and parks and open space uses in the Hydropower Environment when consistent with the purpose of the Hydropower Environment.

SU G6-P3. Allow appropriate visitor and tourist related commercial services in the Hydropower Environment.

SU G6-P4. Preserve the existing undeveloped character of the Snoqualmie Falls viewshed and protect adjacent riverfront areas from any future development in the Hydropower Environment unless specifically required as a condition of a Federal Energy Regulatory Commission license.

SU G6-P5. Prohibit new non-water oriented uses except when allowed by a current Federal Energy Regulatory Commission license for the Snoqualmie Falls hydroelectric facility, and when such uses do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline.

SU G6-P6. Require new development to include environmental cleanup and restoration of the shoreline in compliance with relevant state and federal law.

SU G6-P7. Where redevelopment occurs within the Hydropower Environment, ensure visual and physical public access is maintained and improved and adheres to appropriate standards for signage, site planning, screening, architectural design, and maintenance of natural vegetative buffers.

SU G8. Flood hazard reduction measures for protection of public and private property is provided through non-structural methods, except where structural measures are the only feasible solution.

SU G8-P1. Locate and design new development near the riverfront to avoid the need for future structural flood hazard reduction measures to the greatest extent practicable and avoid or minimize new development that would require flood hazard reduction measures that could result in significant impacts to adjacent or downstream properties and shoreline ecological functions.

SU G8-P2. Where feasible, pursue non-structural measures to reduce flood hazards for public and private property, such as elevating or relocating structures, increasing buffers, enhancing vegetation, or managing drainage and runoff in preference to shoreline stabilization measures.

SU G8-P3. Allow new structural flood hazard reduction measures only where demonstrated to be necessary, when non-structural methods are infeasible, and when mitigation is provided.

SU G8-P4. New structural flood hazard reduction measures should be allowed only when located landward of associated wetland and buffer areas, except where no alternative exists as documented in a geotechnical analysis.

SU G9. Measures to reduce shoreline erosion for protection of public and private property is provided through non-structural methods, except where structural measures are the only feasible solution

SU G9-P1. Allow structural shoreline stabilization measures to protect existing public and private property when the infrastructure or primary structures are in danger from shoreline erosion as demonstrated by conclusive evidence and documented by a geotechnical analysis.

SU G9-P2. Allow shoreline stabilization measures to control erosion when designed as part of a planned shoreline public access or enjoyment improvement.

SU G9-P3. When structural shoreline stabilization measures are allowed to reduce shoreline erosion, require the use of soft structural measures such as bio-engineered methods (e.g., jute netting and live staking) or bio-technical methods (e.g., erosion control matting and live cribbing) that provide restoration of ecological functions, unless a geotechnical report demonstrates that soft structural stabilization measures will not be sufficient and hard structural methods (e.g. riprap and gabion walls) are required.

SU G9-P4. Limit the size of structural shoreline stabilization measures necessary and ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

SU G9-P5. Allow replacement of existing shoreline stabilization structures based on demonstrated need. Allow waterward encroachment of replacement shoreline structures only for residences occupied prior to January 1, 1992.

SU G10. Agricultural activities are accommodated in appropriate locations on public and private lands subject to best management practices and appropriate environmental protection.

SU G10-P1. Allow existing agricultural activities occurring on agricultural land to continue without modification of or limitation, as provided in RCW 90.58.065, the definitions of which are hereby incorporated herein by this reference.

SU G10-P2. Allow new agricultural uses on Meadowbrook Farm when consistent with the approved Meadowbrook Farm Master Site Plan.

SU G10-P3. Allow new agricultural activities on privately and publicly owned land, including on privately owned land not meeting the definition of agricultural land, in the Urban Floodplain Environment and Urban Conservancy Environment subject to compliance with applicable policies and regulations.

SU G10-P4. Require all new and expanded agricultural uses to maintain adequate buffers from streams and wetlands to protect critical areas and to employ best management practices to control pollution.

SU G10-P5. Permit development on agricultural land as defined in the Shoreline Management Act in compliance with the underlying zoning and all city code regulations.

SU G11. Non-commercial aquaculture for conservation or habitat purposes is allowed subject to the provision of appropriate environmental protection.

SU G11-P1. Give preference to aquaculture operations that minimize environmental impacts through use of fewer visible structures or less extensive substrate and vegetation modifications.

SU G11-P2. Prohibit aquaculture in areas where it would degrade water quality.

SU G11-P3. Ensure aquaculture facilities are designed to minimize nuisance odors and noise, as well as visual impacts on surrounding shoreline development.

SU G12. Boating facilities are provided only at safe locations and are limited to launches for canoes, kayaks, or other small non-motorized vessels.

SU G12-P1. Allow non-motorized boating only on the Snoqualmie River below Snoqualmie Falls or above the Meadowbrook Bridge, and potentially on Borst Lake provided water quality and potential toxic contamination in Borst Lake is addressed.

SU G12-P2. Prohibit motorized boating on the Snoqualmie River and on Borst Lake.

SU G12-P3. Prohibit boating of any nature on the Snoqualmie River downstream of Meadowbrook Bridge to Snoqualmie Falls.

SU G12-P4. Allow launches and take-out locations for canoes, kayaks, or other small non-motorized vessels below Snoqualmie Falls, above Meadowbrook Bridge, and in Borst Lake where appropriate access can be provided consistent with public safety and protection of shoreline ecological functions, and also provided water quality and potential toxic contamination in Borst Lake is addressed.

SU G12-P5. Prohibit piers, docks, and floating platforms over the Snoqualmie River, except for limited use of piers to provide public viewpoints identified in an approved integrated shoreline area public access system plan.

SU G12-P6. Potentially allow a limited number of piers, docks, or floating platforms in Borst Lake for canoes, kayaks, or other small non-motorized vessels, provided the size is limited to the minimum necessary to support the structure's intended use, and water quality and potential toxic contamination in Borst Lake is addressed.

SU G12-P6. Ensure all boat launches, piers, docks, and floats are located and designed to minimize interference with surface navigation, consider impacts to public views, and allow for the safe and unobstructed passage of fish and wildlife, particularly those dependent on migration.

SU G13. Dredging is limited to that necessary for shoreline restoration projects and flood hazard reduction.

SU G13-P1. Allow dredging only for restoration projects and flood hazard reduction only as part of a long-term management strategy consistent with an approved flood hazard reduction plan to ensure that impacts to the riverine geomorphic process are minimized.

SU G13-P2. Allow dredging for fill material only for projects associated with the state Model Toxics Control Act (MTCA) or federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration, or any other substantial restoration effort approved by a shoreline conditional use permit.

SU G13-P3. Prohibit disposal of dredged material within shoreline jurisdiction.

SU G14. Fill within shoreline jurisdiction is limited through compliance and enforcement with the City's Flood Hazard Regulations and the Critical Areas Regulations of the SMP.

SU G14-P1. Prohibit fill waterward of the ordinary high water mark of the Snoqualmie River or Kimball Creek, except as required for restoration or flood hazard reduction projects.

SU G14-P2. Prohibit fill of wetlands or buffers within shoreline jurisdiction except as allowed by Article VI of Chapter 19.08 SMC, including integrated protections of Chapter 19.12 SMC, with full mitigation by providing replacement wetlands or buffers at the prescribed ratios.

SU G14-P3. Allow fill landward of the ordinary high water mark of the Snoqualmie River or Kimball Creek and outside wetlands and buffers only to the extent allowed by Flood Hazard Regulations, Chapter 15.12 SMC, which are designed to preserve both flood storage and flood conveyance capacity.

SU G15. Apply the Forest Practices Act and rules to forest practice activities.

SU G15-P1. Ensure compliance with the State Forest Practices Act (Chapter 76.09 RCW) for all forest management activities, including Class IV, general forest practices, where shorelines are being converted or are expected to be converted, to non-forest uses.

SU G15-P2. Conduct forest practices within shoreline areas to maintain the ecological function of the watershed's hydrologic system.

SU G15-P3. Where forest lands are converted to another use, assure no significant adverse impacts on other shoreline uses, resources, and values such as recreation and public access.

SU G16. Industrial uses and redevelopment are encouraged to locate where environmental cleanup and restoration can be accomplished.

SU G16-P1. Light industrial development shall be located, designed, and constructed in a manner to avoid significant adverse impact to shoreline ecological, aesthetic, and recreational resources and values.

SU G16-P2. Encourage the location of industrial uses and redevelopment where environmental cleanup and restoration can be accomplished.

SU G17. Allow in-stream structures only when consistent with the public interest, ecological functions, and environmental protection.

SU G17-1 Permit in-stream structures, including those for hydroelectric generation, irrigation, water supply, waste and storm water discharge, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose, only when consistent with the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

SU G17-P2. Ensure that in-stream structures provide protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources.

SU G18. No new mining operations occur within shoreline jurisdiction.

SU G18-P1. Prohibit new mining operations within shoreline jurisdiction.

SU G18-P2. Allow existing mining operations to continue as legal non-conforming uses subject to existing mining permits.

SU G18-P3. Work with the State Department of Natural Resources to limit extension of existing mining permits within shoreline jurisdiction.

SU G19. Residential development is regulated to protect shoreline ecological functions and public access.

SU G19-P1. Require new residential subdivisions and multiunit residential development to be designed, configured, and developed to prevent the loss of ecological functions at build-out; prevent the need for new shoreline stabilization or flood hazard reduction measures; and be consistent with applicable shoreline environment designations and standards.

SU G19-P2. To the extent consistent with constitutional principles, require new multiunit development and subdivisions of more than four lots to provide public access in conformance to local public access plans. Where such a requirement is inconsistent with constitutional principles, encourage the provision of such public access.

SU G20. Habitat and natural ecosystem restoration and enhancement projects are accomplished as appropriate and feasible within all shoreline environments.

SU G20-P1. Allow and encourage habitat and natural ecosystem restoration and enhancement programs and projects, including projects required as mitigation for other shoreline development, in all shoreline environments consistent with the following goals and objectives of the City's SMP Shoreline Restoration Plan.

Goal 1. Protect and enhance the existing shoreline riparian areas in concert with appropriate planned improvements for public access and enjoyment.

Objective A. Protect shoreline processes and ecological functions through acquisition of properties and conservation easements along the Snoqualmie River.

Objective B. Stabilize banks along the Snoqualmie River adjacent to public infrastructure and park and open space areas while restoring riparian shoreline conditions.

Objective C. Remove invasive plants and install native riparian trees, shrubs, and groundcover along the shorelines of the Snoqualmie River, Kimball Creek and Borst Lake.

Goal 2. Maintain appropriate native habitats.

Objective A. Maintain native forests within the floodway to provide diversity of habitat recruitment of woody debris of the river, attenuate flood flow velocities, and reduce sedimentation and erosion of the river.

Objective B. Protect wetlands on public and private lands through provisions of the SMP and the City Critical Area regulations, with an emphasis on preserving the highest rated wetlands in natural conditions, and restoring degraded wetlands to higher functional conditions.

Objective C. Conserve and protect critical areas within shoreline jurisdiction from loss or degradation.

Goal 3. Protect and improve water quality.

Objective A. Protect and restore native plant communities within shoreline areas.

Objective B. Reduce sediment loading, erosion, and stormwater impacts within shoreline areas by utilizing best management practices and low impact development techniques.

Objective C. Require all new development, and all existing development currently using septic systems where sewer service is available, to connect to the City's sanitary sewer system in order to protect water quality against impacts associated with failing septic tanks.

Goal 4. Restore habitat on public lands and encourage restoration on private lands.

Objective A. Encourage land use applicants in need of off-site mitigation to enhance identified degraded wetland and buffer areas within the publicly owned open-space lands of Meadowbrook Farm and the Three Forks Natural Area.

Objective B. Work with the private sector and other volunteer organizations to under-plant forests and reduce the presence of invasive non-natives in riparian shoreline areas.

Objective C. Develop a public outreach and education habitat restoration program for property owners within the shoreline area.

Goal 5. Facilitate public access on publicly owned property within the shoreline area.

Objective A. Develop a looped shoreline public access trail to increase the amount and diversity of physical and visual public access along the shorelines of the Snoqualmie River, Kimball Creek and Borst

Lake to facilitate enjoyment of the shoreline aesthetic and scenic qualities, enhance opportunities for recreation, and support water-oriented economic development.

Objective B. Develop public recreation trail linkages between major public parks and other open space areas within shoreline jurisdiction.

SU G21. Utility construction, extension, and maintenance projects include analysis of shoreline functions and values and mitigation as appropriate.

SU G21-P1. Allow maintenance of existing utilities within all shoreline environments.

SU G21-P2. Prohibit new utilities or utility extensions within the Natural and Urban Conservancy Environments, unless it can be demonstrated that there is no feasible alternative.

SU G21-P3. Allow new utilities or extensions in all other shoreline environments, provided they are appropriately planned to avoid critical areas to the maximum extent feasible.

SU G22. Shoreline regulations are established, administered, and enforced consistent with these policies through a system of shoreline substantial development permits, shoreline conditional uses, and shoreline variances consistent with the requirements of the SMA and the implementing regulations of the Department of Ecology.

SU G22-P1. Require a shoreline substantial development permit for any non-exempt development within shoreline jurisdiction having a value greater than the threshold established by state law.

SU G22-P2. Provide for existing non-conforming structures and uses that recognize their existence but limits their expansion and requires a conforming use upon the abandonment of the non-conforming use.

SU G22-P3. Provide for shoreline conditional uses for those shoreline uses which due to their nature may require additional conditions to fully mitigate their impacts compared to uses that are permitted outright.

SU G22-P4. Provide for shoreline variances to allow for relief in extraordinary circumstances from hardships that would result from the strict application of the shoreline regulations and to prevent unconstitutional takings.

SU G22-P5. Condition all shoreline permits on providing mitigation and appropriate monitoring to ensure the mitigation is successful.

G. Conservation Element

The areas within shoreline jurisdiction, both on the riverfront and in the floodplain areas distant from the riverfront, vary widely from a fully developed state, to degraded areas affording some opportunities for restoration, to ecologically intact or minimally degraded open space areas providing significant wildlife habitat and other ecological functions. The floodplain is characterized by significant hydraulically connected wetlands that were formerly regulated by Chapter 19.12 of the Snoqualmie Municipal Code, Critical Areas. The large areas of publicly owned open space, including the Kimball Creek Open Space, the Snoqualmie River Open Space, Meadowbrook Farm, and Three Forks Natural Area offer excellent opportunities for conservation, mitigation, restoration, and enhancement projects.

CON G1. The adoption of Article VI (critical areas), adequately protects critical areas within shoreline jurisdiction.

CON G1-P1. Protect critical areas located within shoreline jurisdiction, including areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitation conservation areas, geologically hazardous areas, and channel migration zones.

CON G1-P2. Prohibit new development and the creation of new lots in geologically hazardous areas that would cause foreseeable risk from geological conditions during the life of the development.

CON G1-P3. Resolve any conflict or ambiguity between the adopted Critical Areas regulations and this SMP in favor of the regulations that are most consistent with the goals and policies of the SMA, including shoreline public access and shoreline economic development, while providing at least equal protection to critical areas through mitigation requirements as established in the Critical Areas Regulations.

CON G1-P4. Develop regulations to allow for innovative mitigation such as advance mitigation or mitigation banking.

CON G1-P5. Alter allowable uses and buffer requirements of the Critical Areas Regulations and maintain wetland regulations that allow for a continuous “Riverwalk” trail, including boardwalks, public viewing areas, public parks, and water access areas along the Snoqualmie River, Kimball Creek, and Borst Lake, regardless of the shoreline environment designation.

CON G1-P6. Alter allowable uses and buffer requirements of the Critical Areas Regulations to allow for water-enjoyment economic development facilities in the Urban Riverfront Environment from Fir Street to Riverview Park, provided such facilities are designed and constructed to afford public access to views of the riverfront and provide a public easement as part of a linked Riverwalk trail, boardwalk and public viewing system.

CON G1-P7. Provide for shoreline variances in those circumstances where the strict application of any regulation of this Shoreline Master Program would result in extraordinary hardship or the denial of all reasonable economic use of the owner's property within shoreline jurisdiction.

CON G2. Shoreline vegetation conservation is managed by appropriate restrictions on clearing of native vegetation, vegetation restoration, and the control of invasive weeds and non-native species.

CON G2-P1. Require clearing activities to be designed and conducted to minimize stream and wetland sedimentation, impacts to wildlife habitat, and degradation of water quality.

CON G2-P2. Ensure all clearing activities are limited to the minimum reasonably necessary to accommodate public access sites or specific permitted shoreline development.

CON G2-P3. Ensure effective maintenance of vegetation in ecologically intact shoreline areas and increase the integrity of vegetation in ecologically altered shoreline areas.

CON G3. Shoreline vegetation management corridors of appropriate widths provide wildlife habitat, wildlife migration corridors and shading for temperature control along Kimball Creek, the Snoqualmie River, and Borst Lake.

CON G3-P1. Establish shoreline vegetation management corridors on the Snoqualmie River, Kimball Creek, and Borst Lake.

CON G3-P2. Prohibit the removal of vegetation, other than non-native invasive species and danger trees, in all designated shoreline vegetation management corridors in all environments except as specifically allowed by these policies.

CON G3-P3. In all shoreline vegetation management corridors, vegetation may be removed to provide public access such as trails; plazas; boardwalks; viewing areas; non-motorized boating access points; parks and accessory facilities including parking, restrooms, viewing, resting and picnic facilities; and interpretive or wayfinding signage, provided the vegetation cleared and removed is the minimum necessary to accommodate the permitted development and restoration would be required.

CON G3-P4. Ensure replanting is accomplished with species native to the Snoqualmie River Basin and the replanted areas are maintained as necessary to ensure that vegetation is fully reestablished and adequate monitoring is provided.

CON G3-P5. Allow non-motorized boating access facilities and public parking within the vegetation management corridors of Borst Lake and the Snoqualmie River

below Snoqualmie Falls and upstream of the Meadowbrook Bridge consistent with public safety and protection of shoreline ecological functions, and provided water quality and potential toxic contamination in Borst Lake is addressed.

CON G3-P6. Require a vegetation management plan for development in the vegetation management corridor and require the use of best management practices for erosion and sedimentation control during construction.

CON G3-P7. Prohibit native vegetation removal on steep or unstable slopes unless part of a project, other than non-native or noxious species which should be removed by manual or mechanical means.

CON G4. Mitigation projects are given priority at locations as close to the location of the impacts of development as feasible. Restoration and enhancement projects are given priority in locations affording the best opportunities to mitigate for impacts in other areas of more intensive development.

CON G4-P1. Require mitigation projects to be on-site or as close to the location of the impacts of development as feasible.

CON G4-P2. Establish mitigation sequencing for actions that may have an adverse impact on shoreline ecological functions.

CON G4-P3. Require monitoring to ensure successful mitigation and require the project proponent to take corrective measures when necessary.

CON G4-P4. Focus restoration and enhancement projects to appropriate locations within large publicly-owned properties in the Natural Environment and Urban Conservancy Environment, such as the Kimball Creek Open Space, the Snoqualmie River Open Space, Meadowbrook Farm, and Three Forks Natural Area.

CON G4-P5. Allow mitigation, restoration, and enhancement projects at appropriate locations within all shoreline environments.

CON G4-P6. Allow shoreline habitat and natural systems enhancement projects including removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is restoration of the natural character and ecological functions of the shoreline. Consider applications for relief from expansion of shoreline jurisdiction as authorized by RCW 90.58.580.

CON G4-P7. Restoration, enhancement, and mitigation projects should be consistent with the recommendations of the SMP Restoration Plan to the maximum extent feasible.

CON G5. Impacts to shoreline ecological functions from development activity are properly evaluated and appropriate mitigation imposed to ensure no net loss of shoreline ecological functions.

CON G5-P1. Evaluate environmental impacts of proposed projects through the SEPA process for non-exempt projects and through application of SMP policies and regulations.

CON G5-P2. Require applicants for projects exempt from SEPA review or Shoreline Substantial Development Permit requirements to provide a report of project impacts on shoreline ecological impacts and mitigation.

CON G5-P3. Impose identified mitigation for project impacts as a condition of project approval.

CON G5-P4. Review the assessment of the cumulative impact on shoreline ecological functions of future shoreline development and uses that is reasonably foreseeable at a minimum every eight years, or sooner if significant change in zoning occurs within shoreline jurisdiction, and amend such policies and regulations as may be necessary. Continually review the cumulative impact of approved development projects.

CON G6. The water quality of Kimball Creek, the Snoqualmie River, and Borst Lake is protected through appropriate development regulations.

CON G6-P1. Manage surface and storm water runoff quantity and quality through strict application of Chapter 15.18 SMC, Surface and Stormwater Management Regulations, to prevent adverse water quality impacts to Kimball Creek or the Snoqualmie River from pollutants in stormwater runoff.

CON G6-P2. Encourage the use of low-impact surface and storm water management techniques to the maximum extent feasible under existing site conditions.

CON G6-P3. Manage erosion and sedimentation impacts to water quality through strict application of Chapter 15.20 SMC, Clearing and Grading Regulations, including requirements for an approved erosion and sedimentation control plan for all land disturbing activities, regardless of whether a clearing and grading permit is required.

CON G6-P4. Require all new development and all existing development currently using septic systems to connect to the City's sanitary sewer system where sewer service is available, consistent with requirements of SMC 13.04.060, in order to protect water quality from impacts associated with failing septic tanks.

H. Historical, Cultural, Scientific and Educational Element

The 268-foot cascading Snoqualmie Falls is the most significant public feature located within Snoqualmie's shoreline, and it serves as an important Snoqualmie Indian Tribe

cultural resource. Other historical structures and sites found in Snoqualmie's shoreline include the Snoqualmie Falls Hydroelectric power plant, School District Administrative offices, and old churches and buildings within the Downtown Commercial Landmark and Historic Districts including the Snoqualmie train depot and the old City Hall. The hydroelectric power plant site and historic buildings, school district administration office building, and the train depot are State-designated landmarks.

HCSE G1. Cultural and historical resources within shoreline jurisdiction are protected to the extent feasible.

HCSE G1-P1. Protect sites or structures which are placed on the national, state or local historical registers and encourage their restoration.

HCSE G1-P2. Solicit the input of the Snoqualmie Indian Tribe, the State Historic Preservation Officer, or other appropriate authority as to sites, structures, and resources having historic, cultural value.

HCSE G1-P3. Require site inspection or evaluation by a professional archeologist in consultation in coordination with affected Indian tribes prior to issuing permits in areas documented to contain archaeological resources.

HCSE G1-P4. Stop work on any project if sites of likely historic or cultural significance are discovered in the course of the work until the historic or cultural value of the site is confirmed.

HCSE G1-P5. Encourage interpretive and educational projects and programs that foster a greater understanding and appreciation of the natural and cultural history of the shoreline, including the culture of the native people and the settlement history of Snoqualmie.

I. Flood Hazard Management Element

Flooding is a paramount concern in the City of Snoqualmie. The City's shoreline areas lie within a constrained floodplain subject to frequent inundation from flooding. The greater portion of the historic area of the city, platted in 1889, lies within the floodplain, and is characterized by residential and commercial development on small lots. Existing and new development in the floodplain is at risk to flooding and may impact flood conveyance and storage capacity. Furthermore, existing development located along some segments of the Snoqualmie River is susceptible to severe bank erosion.

FHM G1. Flood hazards are effectively managed to minimize risks to public safety, reduce flood damage, and protect natural floodplain functions through appropriate land use controls, hazard mitigation planning, development best practices, and other appropriate hazard mitigation.

FHM G1-P1. Ensure new development in the special flood hazard area complies with the City's Comprehensive Plan, Hazard Mitigation Plan, stormwater regulations, and flood hazard area regulations.

FHM G1-P2. Subject to availability of funding, acquire flood prone properties along the Snoqualmie riverbank in public ownership to manage flood risk and preserve open space for flood mitigation, wildlife habitat, water quality, passive recreation, and educational uses.

FHM G1-P3. Design and construct new development in strict compliance with Chapter 15.12 SMC, Flood Hazard Regulations, to minimize damage from flooding, avoid downstream flooding impacts, protect property, and improve public safety.

FHM G1-P4. Protect natural drainage courses and wetlands to maintain their capacity to store and convey stormwater and recharge ground water.

FHM G1-P5. Locate, design, and construct new shoreline development to avoid the need for future structural shoreline stabilization measures to the greatest extent practicable.

FHM G1-P6. Coordinate flood damage reduction programs with the City of North Bend and King County.

FHM G2. Channel migration zones are mapped and classified according to severity of the danger posed to public and private property, and appropriate development regulations are imposed.

FHM G2-P1. Locate, map, and classify channel migration zones within shoreline jurisdiction.

FHM G2-P2. Prohibit new development in areas classified as severe channel migration zones.

FHM G2-P3. Generally prohibit bank armoring in any severe channel migration zones, except if determined necessary to protect existing public infrastructure and public and private buildings between SE Fir Street and the Meadowbrook Bridge.

FHM G2-P4. Adopt development regulations in moderate channel migration zones to assure to the maximum extent feasible that bank armoring will not be required in the future to protect new development or improvements to existing development.

Chapter 4

Shoreline Regulations

A. Relationship of Shoreline Master Program Goals and Policies to Shoreline Regulations

The Shoreline Regulations set forth below are part of this Shoreline Master Program, and implement the goals and policies of the Shoreline Master Program in specific regulations. The regulations provide for the administration of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances. The Shoreline Regulations will be separately incorporated into the Snoqualmie Municipal Code, provided, any amendment shall require compliance with the procedures for amendment of shoreline master programs.

B. Shoreline Regulations

Snoqualmie Municipal Code Chapter 19.08 SHORELINE REGULATIONS

Article I. Policies

19.08.010 Adoption by reference – Policies.

The city adopts by reference the policies of the Shoreline Management Act of 1971, chapter 90.58 RCW, as they now exist, or may hereafter be amended by the legislature. These policies supplement the goals and policies contained in Chapter 3 of this Shoreline Master Program.

19.08.020 Relationship of Shoreline Master Program policies and regulations.

These regulations are part of the Snoqualmie Shoreline Master Program, and implement the specific goals and policies with respect to shoreline management set forth in the Shoreline Master Program. The goals and policies should be consulted to clarify the intent of any regulation.

Article II. Definitions

19.08.030 Adoption by reference – Definitions.

The city adopts by reference the definitions of the Shoreline Management Act of 1971 as set forth in RCW 90.58.030, and the Department of Ecology definitions as set forth in WAC 173-26-020 and WAC 173-27-030, as they now exist or may hereafter be

amended. In addition to the definitions adopted by reference, the following terms shall have the following meanings as used in this chapter, which shall be controlling in shoreline jurisdiction, notwithstanding any inconsistent definition in any other chapter of this code.

19.08.040 Additional definitions.

A. "Commercial development" means any activity involving or facilities for wholesale or retail trade, services and business activities, including by way of illustration hotels, motels, shops, stores, restaurants and offices, but not including manufacturing or residential uses.

B. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level.

"Development" does not include dismantling or removing structures if there is no other associated development or re-development.

C. "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings as delineated on the Snoqualmie River Channel Migration Area Map, contained in Channel Migration in the Three Forks Area of the Snoqualmie River (King County Department of Natural Resources, Surface Water Management Division, Seattle, WA, 1996), which is hereby incorporated herein by this reference.

D. "Director" means the department head of the Community Development department, or equivalent position.

E. "Dredging" means the removal of earth from the bottom of a stream, river, lake, bay or other body of water for the purpose of deepening a navigational channel or sustaining a use of the bottom materials for landfill.

F. "High intensity active recreation facilities" means facilities including soccer, football, baseball, softball or other team sport fields; complexes of two or more outdoor tennis, basketball, volleyball or other sport courts; indoor sports or recreation facilities; golf courses; swimming pools, running tracks; bicycle parks or obstacle courses, outdoor skateboard parks larger than .25 acres in size; other active recreation facilities of similar nature, scale or impacts; and parking and park support facilities such as restrooms and concession stands.

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

H. "Institutional use" means a facility providing educational, governmental, religious, or community services to the general public such as libraries, churches, municipal buildings, museums, and historic buildings and sites. Institutional facilities may be owned and operated by either public or private entities.

I. "Light industrial" means any activity involving or facility for manufacturing, processing, packaging or storing finished or semi-finished goods.

J. "Low intensity active recreation facilities" means facilities including no more than one outdoor tennis, basketball, volleyball or other sport court; outdoor skateboard parks less than 0.25 acres in size; and children play structures, along with parking and park support facilities such as restrooms and picnic facilities.

K. "Recreation" means any activity intended primarily for the refreshment of body and mind through forms of play, amusement and relaxation.

L. "Residential development" means any residential use, including single family dwelling, accessory dwelling, multifamily dwellings and second story residential over a non-residential use, and also includes subdivision for residential uses.

M. "Riverwalk" means elements associated with the Snoqualmie Riverwalk Master Plan 2015.

N. "Shoreline Map and Descriptions" means Map A.1 and Descriptions A.2 in Appendix A, Shoreline Jurisdiction and Environments Map, of the Snoqualmie Shoreline Master Program.

O. "Shoreline Master Program" means the Snoqualmie Shoreline Master Program 2012, its map exhibits, and any approved updates or amendments thereto.

P. "Shoreline Setback" means the lateral distance measured landward from the Ordinary High Water Mark (OHWM) of a shoreline.

Q. "Utility" means any service which produces or carries electric power, gas, water, stormwater, sewage, communications signals or oil.

Article III. Administrative Provisions and Permitting

19.08.050 Administrator.

A. The Community Development Director or his/her designee shall be the administrator of these shoreline regulations and shall be responsible for the interpretation and application of the provisions hereof.

B. It shall be the duty of the administrator to perform all of the duties ascribed to him or her by this chapter, to serve as secretary and staff to the hearing board and to administer the permit and notification systems established by this chapter. The administrator shall familiarize himself or herself to the extent possible with other regulations pertaining to shorelines and their use, and within the limits of his or her authority, shall cooperate with other agencies in the administration of such other regulations, shall only grant or conditionally grant a substantial development permit when consistent with WAC 173-27-150.

C. When the provisions of the goals, policies or regulations of the Shoreline Master Program, or their application to a specific proposed development, shall be vague, ambiguous or otherwise unclear, or where a judgment or interpretation regarding the application hereof in special circumstances shall be required, it shall be the duty of the administrator to make such interpretation or judgment, after consultation with the Department of Ecology for consistency with RCW 90.58 and applicable guidelines. A separate record of all such actions shall be kept. The administrator shall examine all earlier interpretations or judgments which may relate to the pending action, and findings

shall be made indicating whether the earlier interpretations or judgments were deemed relevant to the pending action, and if not so considered, the reason therefor, and if so considered, the manner in which it was applied. Such findings shall be public records.

D. The administrator shall be responsible for using a permit tracking program to periodically evaluate the effectiveness of the Shoreline Master Program update periodically for achieving no net loss of shoreline ecological functions with respect to shoreline permitting and exemptions. The administrator shall also prepare an evaluation report no less frequently than every eight (8) years when the SMP is required to be updated under RCW 90.58.080(4), or more frequently if significant change in zoning occurs within shoreline jurisdiction, and propose amendment of such policies and regulations as may be necessary.

E. The administrator shall be responsible for enforcing the regulations associated with this SMP, in accordance with WAC 173-27-240 thru 300.

F. No department of the city shall issue any permit or approval to which the provisions of this chapter apply without the approval of the director.

19.08.060 Shoreline permits generally.

A. "Shoreline permits" include substantial development permits, shoreline conditional use permits and shoreline variances. All shoreline permits shall be conditioned as required to ensure no net loss of shoreline ecological function, through appropriate mitigation, and may include monitoring to ensure the mitigation is successful.

B. A shoreline permit shall be denied if the proposed development would cause a net loss of shoreline ecological function that cannot be mitigated.

19.08.065 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.

19.08.070 Substantial development permits.

A. A substantial development permit is required prior to commencement of construction of a structure or commencement of a use or activity constituting “substantial development” as defined in subsection B of this section, which is not categorically exempt, within the shorelines of the city.

B. “Substantial development” means any development of which the total cost or fair market value exceeds the dollar threshold adjusted for inflation calculated by the Office of Financial Management every five years after July 1, 2007, and published in the Washington State Register, which is \$7,047 as of September 2, 2017, or any development which materially interferes with the normal public use of the water or shorelines of the state, except the following shall not be deemed substantial development pursuant to WAC 173-27-040(2)(a) through (o):

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;
2. Construction of the normal protective bulkhead common to single-family residences;
3. Emergency construction necessary to protect property from damage by the elements;
4. Construction practices normal or necessary for farming, irrigation and ranching activities, including agricultural service roads and utilities, and the construction and maintenance of irrigation structures including but not limited to head-gates, pumping facilities and irrigation channels;
5. Construction or modification of navigational aids such as channel markers and anchor buoys;
6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level unless otherwise approved by a conditional use permit and which meets all requirements of the City of Snoqualmie, other than regulations imposed by this chapter;
7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private commercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences, provided:
 - (a) For docks that are constructed to replace existing docks, the fair market value of the dock does not exceed \$22,500 and the square footage is of equal or lesser square footage than the existing dock being replaced or any other value as defined in WAC 173-26-040(2)(h); or
 - (b) For all other docks, the fair market value of the dock does not exceed \$11,200 or any other value as defined in WAC 173-26-040(2)(h);
8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities;
9. Marking of property lines or corners on state-owned lands;
10. Operation and maintenance of any system of dikes, ditches, drains or other facilities;
11. Any project with a certification from the governor pursuant to chapter 80.50 RCW;

12. Site exploration and investigation activities that are prerequisite to preparation of an application for development under this chapter;
13. Removing or controlling aquatic noxious weeds;
14. Watershed restoration projects;
15. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities; and
16. Consistent with WAC 173-27-040, a public or private project designed to improve fish or wildlife habitat or fish passage, that conforms to the provisions of RCW 77.55.181.

C. The definition of “substantial development,” as set forth in subsection B of this section, is intended to conform to the definition thereof in Chapter 90.58 RCW, and subsection B shall be deemed amended immediately upon any future amendment of the definition of “substantial development” in Chapter 90.58 RCW by the legislature.

19.08.080 Permit applications.

A. When a shoreline permit is required for a proposed development, the proponent of the development shall apply for such permit on a form provided by the administrator. The permit application shall contain the following information:

1. The name, address and telephone number of the applicant;
2. The name, address and telephone number of the property owner;
3. A legal description of the property;
4. A common description of the property;
5. The name of the associated shoreline or wetland;
6. The current use of the property and description of existing improvements;
7. The proposed use of the property;
8. The nature of the existing shoreline;
9. A site plan sufficient to fully explain the intended development, including the following:
 - a. Site boundaries,
 - b. Property dimensions in vicinity of proposed development,
 - c. Indication of size and placement of all existing and proposed structures,
 - d. Indication of size, grade, and profile of all roads or vehicular passageways,
 - e. Indication of all water supplies, sewage disposal facilities and solid waste handling facilities,
 - f. Relation of all physical developments to the associated shoreline or wetlands, and the location of the ordinary high water mark,
 - g. Scale drawings of all bridges or other structures to be built in, on or over streams, marshes, swamps or lakes,
 - h. Identification of shorelands of statewide significance and environment designation, and

- i. Typical cross-section or sections showing existing ground elevations, proposed ground elevations, height of existing structures and height of proposed structures;
 - 10. The intended commencement and completion dates;
 - 11. The reason, if any, why the proposed development requires a shoreline rather than a non-shoreline location;
 - 12. If a variance is sought, the reasons therefor;
 - 13. If a conditional use is sought, the reason therefor, including an explanation of any special features of the proposed development supporting the request;
 - 14. The names and addresses of all property owners within 300 feet of the boundaries of the proposed development;
 - 15. The source, composition and volume of fill material to be used, if any;
- and
- 16. A report prepared by a qualified consultant, as defined in chapter 19.08 of this code, evaluating impacts of the proposal on shoreline ecological functions, provided, such a report may be waived by the director for proposed development separated from a water body by any public right of way in accordance with one or more area recommendations prepared by the city's qualified consultant.
 - 17. A report prepared by a professional archaeologist evaluating potential impacts to archaeological or cultural resources for projects involving ground disturbing activities on shoreline areas not previously surveyed by a professional archaeologist.
- B. The completed application shall be accompanied by the fee therefor, as established by the city council by resolution. The administrator shall not accept incomplete permit applications.
 - C. Receipt by the administrator of the completed application and fee shall commence the running of the time periods for permit review established in this chapter.

19.08.090 Permit review.

The permit review process shall be as follows:

- A. Upon receipt by the administrator of the completed application and fee, the applicant shall cause two public notices of the application to be published in the official newspaper. These notices shall appear one week apart and contain the information required by the administrator. The administrator shall forthwith mail notice of the application to all property owners of record within 500 feet of the boundaries of the proposed development and provide notice and opportunity to review archaeological or cultural resource reports to the Washington State Department of Archaeology and Historic Preservation and the Snoqualmie Tribe.
- B. Commencing on the publication of the second of the two notices provided in subsection A of this section, there shall be a 30-day review period, during which period the administrator shall evaluate the application, collect relevant data and solicit communications from all persons and agencies wishing to express views on the application. The administrator shall examine each application for conformity with the policies of the Snoqualmie Shoreline Master Program. If a variance or conditional use permit is sought, the administrator shall schedule a meeting of the hearing examiner for a public hearing thereon, to be scheduled within the last 10 days of the 30-day review period or as soon thereafter as possible.

C. At the expiration of the 30-day review period, but within 45 days after the commencement thereof, the administrator shall issue a decision to approve or deny the application, and the hearing examiner shall issue a decision to approve or deny the variance or conditional use permit.

D. The administrator shall transmit the decision or decisions, findings and any other determinations by letter to the applicant, the Department of Ecology and the attorney general.

E. Upon receipt by the Department of Ecology of the decision upon the application for the substantial development permit, a further 21-day review period shall commence, during which appeal from the local government decision may be taken to the State Shorelines Hearing Board. When the local government decision is for approval of a variance or conditional use permit, the Department of Ecology shall have 30 days in which to approve, deny or condition the permit. A further 21-day period shall commence when the Department of Ecology transmits its decision to the local government, during which period the applicant may take an appeal from the Department of Ecology decision to the State Shorelines Hearing Board.

F. If no appeal is taken from the decision of the local government, either by the Department of Ecology or others, the decision shall be deemed approved by the Department of Ecology, and at the expiration of the 45-day period, if the local government decision was to approve, and if all other required permits have been granted, the proposed development may proceed. In the event of an appeal, the proposed development may not begin until all appeals have been resolved by the State Hearings Board.

19.08.100 Review criteria.

- A. Variances, conditional use permits and substantial development permit shall be granted only when the development is consistent with the following:
1. The policies and procedures of the act;
 2. The provisions of this regulation; and
 3. The applicable master program adopted or approved for the area. Provided that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- B. Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

19.08.110 Revision of permits.

A. The administrator may approve requested revisions to approved permits if the proposed changes are within the scope and intent of the original permit, and are consistent with the Shoreline Master Program, the Shoreline Management Act and WAC 173-27-100.

- B. "Within the scope and intent of the original permit" means all of the following:

1. No additional over water construction is 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;
2. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;
5. The use authorized pursuant to the original permit is not changed; and
6. No adverse environmental impact will be caused by the project revision.

C. If the revision to the original permit involves a conditional use or variance, the administrator shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 172-27-100. The administrator shall notify parties of record of the department's final decision

19.08.120 Rescission of permit.

The approving authority may rescind the permit and issue a stop work order if the conditions of the permit are not fulfilled or are violated, or if other applicable regulations under this chapter are violated. Any such rescission shall comply with RCW 90.58.140(8).

19.08.130 Notification.

A. The developments, uses and activities specified under subsection B of this section may occur with the shorelines of the city without the requirement of a substantial development permit, variance or conditional use permit. In order to effectuate the policies of the Snoqualmie Shoreline Master Program, such developments, uses and activities shall not be commenced until notification of intent has been given to the administrator. Such notification may be given by letter, telephone, transmittal from other agency permit requirements or other appropriate means, not less than one week prior to the proposed commencement date. Such notification shall include the following:

1. The name of the person or persons intending to perform the development, use or activity;
2. The name of the property owner;
3. The nature of the proposed development, use or activity;
4. The location of the property; and
5. The proposed commencement and completion dates.

B. The following are subject to the notification requirement of subsection A of this section:

1. Construction of houses;
2. Logging operations not requiring a substantial development permit;

3. Herbicide, insecticide or other dangerous chemical application when a license is required by the Department of Agriculture;
4. The demolition or destruction of any building;
5. The clearing of land not involving critical areas or the associated buffers.

C. It shall be unlawful to fail to give a notice required by this section. The responsibility of providing notice shall devolve upon both the operator and the property owner.

19.08.140 Conditional uses.

A. When a use is classified as a conditional use, or is not classified in the shoreline use table but is allowed by the underlying zoning, it may be authorized as a conditional use, in order to provide flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020 and WAC 173-27-160, subject to special conditions to mitigate impacts of the proposed use and ensure consistency of the proposal with the Shoreline Management Act of 1971 and the Snoqualmie Shoreline Master Program, subject to the following:

1. The proposed use is consistent with the policies of RCW 90.58.020 and the Snoqualmie Shoreline Master Program;
2. The proposed use will not interfere with normal public use of public shorelines;
3. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Snoqualmie Shoreline Master Program;
4. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
5. The proposed use will not cause any net loss of shoreline function; and
6. The public interest suffers no substantial detrimental effect.

B. In granting all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

C. Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

D. Uses which are specifically prohibited by the Snoqualmie Shoreline Master Program or applicable zoning may not be authorized as conditional uses.

19.08.150 Variances.

A. Variances will be reviewed in accordance with WAC 173-27-170 and may be granted for the sole purpose of granting relief from specific bulk, dimensional or performance standards of the Snoqualmie Shoreline Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict application of these regulations will impose unnecessary hardship on the applicant or thwart the policies of RCW 90.58.020, or where strict

application of shoreline use regulations would also recognize inconsistency with private property rights (WAC 173-26-186 (5)).

B. Variances for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 2. That the hardship described in subsection A of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 5. That the variance requested is the minimum necessary to afford relief;
- and

6. That the public interest will suffer no substantial detrimental effect.

C. Variances for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

1. That strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
2. That the proposal is consistent with the criteria established under subsection B of this section; and
3. That the public rights of navigation and use of the shorelines will not be adversely affected.

D. In granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other development and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

E. Variances from the use regulations of the master program are prohibited.

19.08.160 Nonconforming structures and uses.

“Nonconforming use or structure” means a use or structure within shoreline jurisdiction, including critical areas and their associated buffers, which was lawfully established or constructed prior to the effective date of these shoreline regulations, but which does not conform to present standards or regulations.

A. Structures. Nonconforming structures may continue to exist or construction thereof be completed, as follows:

1. Nonconforming structures used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards, area, bulk or height may be maintained and repaired, and may be enlarged provided that such enlargement does not increase the extent of nonconformity by further extending to areas where construction would not be allowed for new construction, or increase the potential impact to a critical area, or increase the risk of harm or damage to existing uses, development, or the public.

2. Nonconforming structures used for a nonconforming use may not be enlarged.

3. Maintenance and repair of nonconforming structures shall be permitted.

4. Uses within nonconforming structures may be changed only to a conforming use.

B. Uses. Nonconforming uses may continue, as follows:

1. Nonconforming uses may continue, except as provided in subsections 2 through 5 inclusive, but shall not be enlarged or expanded.

2. Nonconforming uses that can be discontinued without economic loss to owner or the user shall cease forthwith upon notification from the administrator.

3. Nonconforming uses that can be altered to become conforming without significant economic loss to the owner or user shall be so altered upon notification from the administrator.

4. Nonconforming uses that will result in increasing or long-term damage to the shoreline ecological functions shall cease upon a finding by the hearing examiner that such increasing or long-term damage is likely to result unless the use or activity is abated.

5. Nonconforming uses discontinued for a period of one (1) year or more shall not be re-established.

C. A use listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

D. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged. Provided that application is made for the permits necessary to restore the development within six (6) months of the date the damage occurred, all permits are obtained, the restoration is completed within two (2) years of permit issuance and is consistent with the floodplain regulations.

E. Where circumstances of nonconformance occur within shoreline jurisdiction that are not regulated by the standards in this section, the City may rely on criteria in WAC 173-27-080 for further interpretation.

19.08.170 Hearing Examiner.

The hearing examiner shall hear and determine application for shoreline variances and shoreline conditional use permits subject to Department of Ecology approval, and

shall hear and determine all matters specifically requiring a finding by the hearing examiner.

19.08.180 Appeal.

A. Appeals of the final decision of the City with regard to shoreline management consistent with permit review criteria of SMC 19.08.090 shall be governed by the provisions of RCW 90.58.180.

B. Appeals to the State Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use permit may be filed by the applicant/property owner or any aggrieved party pursuant to RCW 90.58.180.

C. The effective date of the City's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

19.08.190 Amendments and boundary changes.

A. The provisions of the Snoqualmie Shoreline Master Program, the shoreline jurisdictional boundaries, the shoreline environment boundaries and the provisions of this chapter may only be amended after a public hearing on the proposed amendment by the Planning Commission at which public comment is received and subject to approval by the Department of Ecology.

B. All amendments acted upon by the city council shall be transmitted to the Department of Ecology for its review, and if approved, shall become effective 14 days after such approval.

19.08.200 Public hearing rules.

All public hearings conducted under authority of this chapter shall be held according to the following rules:

A. The date, time, place and matter for hearing shall be advertised in the official newspaper at least 10 but not more than 20 days prior to the date of the hearing.

B. Hearings may be continued to a specific time and place, and no further notice of such continuance shall be required.

C. Where specific parcels of property are involved, hearing notice containing the same information as required to be published shall be mailed at least 12 days prior to the hearing date to the record owners of the property involved and to the owners of record of all properties within 500 feet of the boundaries of the property involved in the hearing.

D. All notices shall contain both a legal and a common description of the property involved.

E. Public hearings to amend the Snoqualmie Shoreline Master Program shall be in accordance with WAC 173-19-061 and 173-19-062, as they now exist or may hereafter be amended.

F. A record shall be kept of all hearings, which shall be a public record.

G. Conduct of all hearings will be in accordance with such local rules as may have been approved by resolution or in the absence thereof, in accordance with Robert's Rules of Order.

19.08.210 Permit procedures and enforcement to be consistent with constitutional limitations on regulation of private property.

Permit procedures and enforcement shall be conducted in accordance with the process set forth in a publication entitled, "*State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property*", using the most recent annual update.

19.08.220 Penalties.

In addition to the civil liabilities imposed by RCW 90.58.210, as it now exists or may hereafter be amended, which is incorporated herein by reference, any person who shall willfully violate any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of violation shall be deemed a separate and separately punishable offense.

19.08.230 Enforcement.

A. Application for or acceptance of any permit or approval for any use, activity or development proposal constitutes the consent of the applicant for the administrator to enter the subject site during regular business hours to inspect any use, activity or development proposal for which a permit or approval has been applied for or granted to ensure compliance with the provisions of this chapter, to verify the accuracy of information provided by the applicant or to verify that work is being per-formed in accordance with approved plans and permits.

B. Stop Work Orders. In the event the administrator shall determine that any use, activity or construction on a development proposal is not in compliance with the requirements of this chapter or the conditions of any permit or approval relating to critical areas, the administrator is authorized to issue a stop work order. The stop work order shall be posted prominently on the site. When a stop work order has been posted, the use, activity or construction on the development proposal shall not continue until the violation has been corrected. It shall be a misdemeanor to continue the use, activity or construction on a development proposal after the posting of a stop work order, and it shall further be a misdemeanor to remove a stop work order prior to correction thereof.

C. Enforcement Penalties. Any unauthorized alteration of a critical area or buffer shall constitute a public nuisance subject to abatement, and any knowing and intentional unauthorized alteration of a critical area or buffer shall constitute a misdemeanor. Each day of violation shall constitute a separate offense. The administrator or his or her designee shall have a right to enter upon any property at reasonable times and to make such inspection necessary to determine compliance with the provisions of this chapter. If the property is occupied, the administrator shall make reasonable effort to locate the owner or person in charge to request entry. The administrator is further authorized to take such actions as may be necessary to enforce the provisions of this chapter.

D. Notice to Restore. In addition to all other remedies, the administrator shall have the authority to issue a notice to restore any unauthorized alteration of the

environment within a reasonable time specified in the notice. For purposes of this subsection, what constitutes a reasonable time shall be determined with due consideration of the environmental harm caused by the alteration and the potential environmental harm caused by delay in restoration. The notice shall be given by in-person delivery, or mailing to the person responsible for the alteration, to his agent, or to the record owner of the property, and shall be given by certified mail, return receipt requested, and ordinary mail; provided, the failure of the addressee to accept the certified mailing shall not affect the administrator's authority hereunder. If the site is not restored within the time specified in the notice, then the administrator may cause the site to be restored to the extent necessary to prevent further environmental harm, and the person responsible for the alteration shall be responsible for the full cost of such restoration.

E. Permit Revocation. In addition to all other remedies, a permit or approval that is subject to critical areas review may be revoked or suspended upon a finding by the administrator that the development is proceeding in violation of any of the terms or conditions of the permit or approval relating to the critical areas.

F. Administrative Rules. The administrator shall have the authority to adopt administrative rules not inconsistent with the provisions of this chapter that are necessary for the implementation of this chapter and to incorporate best management practices in any alterations authorized under this chapter. If any administrative rule prescribed or authorized by this chapter has not been adopted at the time of an application requiring critical areas review, the administrator shall have the authority to require the use of appropriate guidance documents recommended by the Department of Ecology or standards recommended by the city's qualified critical areas consultant.

G. The city attorney may bring such injunctive, declaratory or other action as may be necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of this chapter and to otherwise enforce its requirements.

19.08.240 Other permits and certificates.

Nothing in this chapter shall preclude any requirement to obtain any permit, certificate, license or approval from any federal, state or local government or agency thereof.

19.08.250 Severability.

If any provision of this chapter, or its application to any person or legal entity, or in any particular circumstances, is held to be invalid, the remainder of the provisions of this chapter or the application hereof to other persons in or other circumstances shall not be affected thereby.

19.08.260 Liberal construction.

This chapter shall be liberally constructed to give full effect to the objectives and purposes for which it was enacted.

19.08.270 Fees applicable to Critical Areas.

A. The development proposal applicant is responsible for the initiation, preparation, submission, and expense of all required reports, assessments, studies, plans, reconnaissance, peer review by qualified consultants, and other work prepared in support of, or necessary for, compliance with the city's critical areas review process.

B. The applicant shall be responsible for monitoring and maintaining critical areas if such action is required as a condition of permit approval. Performance bonds may be withheld until all work is satisfactorily completed, including post-construction mitigation activity.

C. The applicant shall also be responsible for the city's review or peer review of performance standards as conducted, and for necessary monitoring and maintenance reports.

D. The fees, costs, expenses and deposits as may be required for submittals under this section shall be as set forth in the city's taxes, rates and fees schedule, as may be amended from time to time.

Article IV. Substantive Provisions – General

19.08.290 Applicability.

A. These regulations apply within shoreline jurisdiction, which is that area depicted on the Shoreline Map, including the floodway of the Snoqualmie River as depicted on the most recent Flood Insurance Rate Map as adopted in Chapter 15.12 SMC, subject to the provisions of subsection B. The official shoreline map, together with all explanatory matters thereon, is adopted by reference and declared to be a part of this chapter.

B. In the event of uncertainty arising from interpretation of the Shoreline Map or conflict between the Shoreline Map and the following criteria, the totality of lands within the following criteria defining shoreline jurisdiction as determined by survey shall control:

1. The Snoqualmie River, Kimball Creek below its confluence with Coal Creek, Borst Lake, and the lands underlying them;
2. The area 200 feet landward of the ordinary high water mark of the Snoqualmie River, Kimball Creek below its confluence with Coal Creek, and Borst Lake;
3. All wetlands associated with the Snoqualmie River, Kimball Creek below its confluence with Coal Creek, and Borst Lake;
4. The floodway and contiguous floodplain areas within 200 feet of the mapped floodway of the Snoqualmie River as depicted on the FEMA Flood Insurance Rate Map as adopted by Chapter 15.12 SMC;
5. All lands lying 200 feet landward of the designated floodway of the Snoqualmie River as depicted on the FEMA Flood Insurance Rate Map adopted by Chapter 15.12 SMC; and Borst Lake.

19.08.300 Conformity required.

A. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, WAC 173-27-010 through 220, the Shoreline Management Act, and the goals, policies and regulations of the Snoqualmie Shoreline Master Program, whether or not a permit is required.

B. Application and interpretation of exemptions shall be subject the following:

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

2. The city adopts the developments exempt from substantial development permit requirement in WAC 173-27-040(2) by reference. An exemption from the substantial development permit process in WAC 173-27-040(2) is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

3. The burden of proof that a development or use is exempt from the permit process is on the applicant.

4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

5. Conditions may be attached to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and the shoreline master program.

6. Projects that require Federal Rivers & Harbors Act Section 10 permits and/or Federal Clean Water Act Section 404 permits that are determined to be exempt from the substantial development permit requirements shall submit a letter of exemption pursuant to WAC 173-27-050.

19.08.310 Avoidance of net loss of shoreline ecological functions.

In administering all of the provisions of this code, the administrator shall be guided by the overriding principle that all shoreline uses, activities, modifications and development within the city's shoreline jurisdiction result in minimal impacts to, and no net loss of, shoreline ecological function, regardless of whether a shoreline permit is required, and shall take appropriate enforcement actions to prevent violations of this code.

19.08.320 Application of zoning and other regulations.

These shoreline regulations impose special regulations to implement the requirements of the Shoreline Management Act of 1971, in addition to the underlying zoning and regulations of general applicability. They are not intended to permit any use or development which is not otherwise allowable within shoreline jurisdiction under applicable zoning regulations or which is not in conformity with other regulations of general applicability, including but not limited to flood hazard regulations, clearing and grading regulations, stormwater regulations, platting and subdivision regulations and building regulations. In the event of conflict between this chapter and any other chapter of this code, this chapter shall control within shoreline jurisdiction.

19.08.330 Shoreline environments designated.

A. There are established the following shoreline environments for land located within the corporate limits of the city, the location of which is shown on the Shoreline Map A.1 and Descriptions A.2 in Appendix A to the Snoqualmie Shoreline Master Program:

1. Natural Environment.
2. Urban Conservancy Environment.
3. Urban Riverfront Environment.
4. Hydropower Environment.
5. Urban Floodplain Environment.
6. Aquatic Environment.

In the event of a conflict between the Map (A.1) and the Environment Descriptions (A.2), the narrative Environment Descriptions shall control.

B. The shoreline environments are established for the purpose of establishing specific regulations applicable within that environment. Shoreline regulations not identified as specific to a shoreline environment apply within all shoreline environments.

C. All areas within the Urban Growth Area that fall under shoreline jurisdiction when annexed are hereby designated Urban Floodplain.

D. Pursuant to WAC 173-26-211(2)(e), any areas within the shoreline jurisdiction that are not mapped and/or described in Appendix A, Map A.1 and Descriptions A.2 shall be automatically assigned an “Urban Conservancy” designation until the shoreline can be redesignated through a shoreline master program amendment.

Article V. Substantive Provisions – Shoreline Use and Development

19.08.340 Allowable uses within shoreline environments.

When otherwise allowable by applicable zoning, subject to any additional provisions in this chapter, and consistent with WAC 173-27-060, the following uses shall be permitted (P), permitted as a shoreline conditional use (C), or prohibited (X) within the respective shoreline environments, provided, a use may be designated as not applicable (NA) in certain shoreline environments as specified in Table 19.08.340-1:

Table 19.08.340-1. Shoreline Use Table

Shoreline Use		Shoreline Environment Designations						
		Urban Riverfront	Urban Riverfront Conservancy	Urban Floodplain	Urban Conservancy	Hydropower	Natural	Aquatic
	Shoreline Use							
	Agriculture	X	X	P	P	X	X	X
	Aquaculture							
	Commercial Aquaculture	X	X	X	X	X	X	C
	Non-Commercial Aquaculture	C	X	C	C	C	X	C
	Boating Facilities							
	Piers, docks and floats	X	C ¹	C ¹	C ¹	X	X	C
	Canoe, kayak, small non-motorized vessel launches	X	X	NA	C ¹	P ³	X	C
	Live-aboard vessels	X	X	X	X	X	X	X
	Commercial Development (retail, commercial)	P	X	P	P	P	X	X
	Dredging	NA	NA	NA	NA	NA	NA	C
	Habitat and natural ecosystem restoration and enhancement	P	P	P	P	P	P	P
	Fill	P ²	P ²	P ²	P ²	P ²	P ²	C ⁴
	Hydropower Generation	X	X	X	X	P	X	P
	Light industrial	C	X	C	X	X	X	X
	In-stream structural uses	X	X	X	X	X	X	P
	Institutional	P	P	P	P	P	X	NA
	Mining	X	X	X	X	X	X	X
	Parks and Open Space	P	P	P	P	P	P	NA
	Recreational facilities							
	High intensity active, see definition SMC 19.08.040	X	X	P	P	X	X	NA
	Low intensity active, see definition SMC 19.08.040	P	P	P	P	X	X	NA

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		Paved and unpaved pedestrian and bicycle trails, boardwalks, public access viewing areas	P	P	P	P	P	P	NA
		Piers and footings for decks, elevated boardwalks and overwater viewing areas	p ⁵	p ⁵	P	P	C	C	C
		Trailhead facility – small restroom buildings and pervious parking areas with 20 or fewer spaces	P	P	P	P	p ⁶	P	X
		Trailhead facility – restroom buildings and pervious parking areas with more than 20 spaces	X	X	P	P	p ⁶	C	X
		Public/private campgrounds for tents, yurts, and/or recreational vehicles	X	X	X	C	X	X	X
		Residential development							
		Single-Family	X	X	P	P	X	X	X
		Multi-Family	X	X	X	X	X	X	X
		Second story SF or MF dwelling units above nonresidential uses	P	X	P	X	X	X	X
		Shoreline Stabilization							
		Structural	P	P	P	C	P	C	X
		Non-Structural	P	P	P	P	P	P	P
		Transportation facilities							
		Roads	P	P	P	P	P	C	NA
		Bridges	P	P	P	P	P	C	C
		Railroads	X	X	P	X	P	C	C
		Parking (standalone)	X	X	C	X	X	X	X
		Parking as accessory to permitted use	P	P	P	P	P	C	X
		Utilities	P	P	P	p ⁷	P	p ⁷	P

¹ Permitted as a conditional use permit only within the Urban Floodplain and Urban Conservancy Environments associated with Borst Lake.

² Fill is only permitted when allowed by SMC Chapter 15.12 Flood hazard regulations; fill of wetlands is only permitted when allowed by Article VI of Chapter 19.08 SMC and may require a shoreline conditional use permit.

³ Only allowed below Snoqualmie Falls.

⁴ Permitted as a conditional use permit only as part of a habitat or natural ecosystem restoration project, or as part of an approved flood control project.

⁵ Only piers and footings for decks, overwater viewing areas and elevated boardwalk trails associated with the Riverwalk trail as identified in the approved Riverwalk Master Plan.

⁶ Within FERC boundary and subject to current Hydropower License.

⁷ Subject to no feasible alternative.

19.08.350 Lot size, setbacks or yards and height requirements.

A. Lot size, yard setbacks and height requirements for structures and uses permitted within shoreline jurisdiction shall be those established for such structure or use by the underlying zoning in Title 17 SMC.

B. Any new or expanded building or structure of more than thirty-five feet above average grade level on or within 200 feet of shorelines of the state shall require a view analysis in accordance with RCW 90.58.320 and shall not obstruct the view of a substantial number of residences on areas adjoining such shorelines.

C. Shoreline Setbacks are measured landward from the Ordinary High Water Mark (see SMC 19.08.040 for the full definition) as follows:

1. The following setbacks apply along the left bank of the Snoqualmie River within the Urban Riverfront Environment, generally located between S.E. Fir Street and Euclid Ave:

a. 100 feet for new or expanded residential, commercial, recreational (except as provided below), or institutional uses or structures as allowed in the Shoreline Use Table (SMC 19.08.340-1);

b. 25 feet for water-enjoyment recreational uses, including only “Paved and unpaved pedestrian and bicycle trails, boardwalks, public access viewing areas” and “Piers and footings for decks, elevated boardwalks and overwater viewing areas” as identified in the Shoreline Use Table (SMC 19.08.340-1); and

c. Water-dependent development can be allowed within the setback.

2. The following setbacks apply along the left bank of the Snoqualmie River within the Urban Riverfront Conservancy Sub Environment, generally located between Euclid Ave and Meadowbrook Way:

a. 100 feet for new or expanded residential, commercial, recreational (except as provided below), or institutional uses or structures as allowed in the Shoreline Use Table (SMC 19.08.340-1);

b. 75 feet for water-enjoyment recreational uses, including only “Paved and unpaved pedestrian and bicycle trails, boardwalks, public access viewing areas” and “Piers and footings for decks, elevated boardwalks and overwater viewing areas” as identified in the Shoreline Use Table (SMC 19.08.340-1); and

c. Water-dependent development can be allowed within the setback.

3. A 200 foot setback applies along the Snoqualmie River South Fork and right bank of Snoqualmie River mainstem within the Natural Shoreline Environment, except water-dependent uses may be allowed within the setback.

4. Areas of the Snoqualmie River not identified in SMC 19.08.350 (C)(1), (C)(2), or (C)(3) shall have a 100 foot setback. Water-dependent uses may be allowed within the setback.

5. Except for water dependent, structural shoreline stabilization (revetments), shoreline physical and/or visual public access, transportation facilities (SMC 19.08.525), and utilities (SMC 19.08.530), no structures may be constructed / located within the shoreline setbacks defined above, except as allowed by this chapter.

6. Notwithstanding the shoreline setback dimensions specified in subsection (C)(1), where a street or road existing as of January 1, 2020, within a shoreline setback, can be demonstrated through a critical areas report materially interferes with, diminishes, or eliminates setback functions, the shoreline setback shall extend only to the waterward boundary of such existing street or road.

D. Impervious Surface shall be limited to the following allowances:

Table 19.08.350-1. Maximum Allowed Impervious Surface

	Environment						
	Urban Riverfront	Urban Riverfront Conservancy	Urban Floodplain	Hydropower	Urban Conservancy	Natural	Aquatic
Impervious Surface Maximum (percent of lot area)	100/50% ¹	20%	100/75% ^{2,3}	85/20% ⁴	10%	5%	N/A

¹ Allowable impervious surface is 100 percent for properties zoned business, residential, and properties zoned open space are allowed 50 percent.

² Allowable impervious surface is 100 percent for properties zoned business, residential, and properties zoned open space are allowed 75 percent.

³ Essential Public Facilities, as identified in WAC 365-196-550, are allowed 100 percent impervious surface. All other uses are limited to 75 percent.

⁴ Above the Snoqualmie Falls the allowable impervious surface is 85 percent, below the Falls is 20 percent.

19.08.360 Agriculture.

A. Agricultural activities existing on agricultural land may continue without modification or limitation, as provided in RCW 90.58.065, the definitions of which are hereby incorporated herein by this reference.

B. New agricultural uses on Meadowbrook Farm are permitted when consistent with the approved Meadowbrook Farm Master Plan,

C. New and expanded agricultural activities on lands not meeting the definition of agricultural lands are permitted subject to compliance with the critical areas requirements of this chapter and best management practices to control pollution.

D. Agricultural lands may be converted to other uses consistent with the use regulations of this chapter and the underlying zoning. All such other uses shall comply with all other applicable regulations of this code.

19.08.370 Aquaculture.

A. Non-commercial aquaculture is defined as a water dependent, preferred use, involving the culture or farming of fish, shellfish, or other aquatic plants and animals, undertaken for conservation or habitat restoration purposes, including hatcheries, rearing ponds, spawning channels, water diversion structures and groundwater wells. Except within the Natural environment, non-commercial aquaculture shall be permitted as a conditional use provided impacts to shoreline ecological function are avoided or mitigated, and provided that the administrator determines that all other provisions of this section are met.

B. Commercial aquaculture is defined as a water dependent, preferred use, involving the culture or farming of fish, shellfish, or other aquatic plants and animals, undertaken for commercial purposes, including facilities intended for rearing, production, and processing of aquatic plants and animals for sale. Commercial aquaculture shall be prohibited except where permitted as a conditional use consistent with Table SMC 19.08.340-1. Commercial aquaculture shall only be permitted for small scale operations where impacts to shoreline ecological function are avoided or mitigated and where no impacts to public use and navigation of shorelines would occur, and provided that the administrator determines that all other provisions of this section are met.

C. The application for an aquaculture permit shall include the following:

1. Species to be reared;
2. Aquaculture method(s);
3. Anticipated use of any feeds, pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals, and their predicted adverse impacts;
4. Harvest and processing methods;
5. Method of waste management and disposal;
6. Best available background information and probable adverse impacts on water quality, biota, and any existing shoreline or water use;
7. Method of predator control;
8. A description of the proposed use of lights and noise-generating equipment, and an assessment of adverse impacts upon surround uses; and
9. Such other information as the administrator may require.

D. Review criteria for permits associated with aquaculture uses will ensure:

1. No net loss of local ecological conditions or function through mitigation or avoidance;
2. Associated facilities are designed and located so as not to spread disease to native aquatic life, or establish new nonnative species.
3. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents or other chemicals shall be used until approved by all appropriate state and federal agencies, including but not limited to the Washington State department of Fish and Wildlife and Ecology, and the U.S. Food and Drug Administration. Evidence of such approval shall be submitted to the administrator.
4. Aquaculture facilities and equipment that come into contact with the water shall contain no substances that are toxic to aquatic life, and aquaculture activities that would degrade water quality shall be prohibited.

5. No garbage, waste or debris shall be allowed to accumulate upon the site of any aquaculture use or activity, nor be discharged to any water body within shoreline jurisdiction.

6. Aquaculture activities shall meet all applicable state and federal requirements.

7. Aquaculture activities do not conflict with navigation and other water-dependent uses.

E. Permits for aquaculture shall contain such conditions as deemed necessary to comply with this chapter, and a bond or assigned account may be required to secure the performance of specific conditions as appropriate.

19.08.380 Archeological areas and historical sites.

A. In areas documented through a cultural resources report, on file with the city, containing archaeological resources, site inspection or evaluation by a professional archaeologist in coordination with the Snoqualmie Indian Tribe and/or the State Historic Preservation Officer shall be required.

B. If potentially significant archaeological resources or human remains are discovered during construction, all work shall stop in the affected area, and the affected area shall be flagged with construction tape or other identifying markers. The property owner, development, and/or contractor shall immediately inform the City, Snoqualmie Indian Tribe, and the State Historic Preservation Officer, and shall comply with all requirements of Chapter 27.53 RCW or Chapter 27.44 RCW, as may be applicable.

C. Sites and structures listed on the national, state or local historic registers shall only be demolished or altered in compliance with regulations applicable to such sites and structures.

19.08.390 Boating and boating facilities.

A. Motorized boating is prohibited on the Snoqualmie River and on Borst Lake.

B. Non-motorized boating is permitted only on the Snoqualmie River below Snoqualmie Falls or above the Meadowbrook Bridge, and on Borst Lake. All boating downstream of Meadowbrook Bridge to Snoqualmie Falls is prohibited.

C. Launches for canoes, kayaks and other non-motorized vessels are permitted on the Snoqualmie River below Snoqualmie Falls and above the Meadowbrook Bridge and on Borst Lake, where appropriate access can be provided consistent with protection of shoreline ecological functions and public safety. All new boating facilities shall include a condition requiring the provision of public access.

D. Launches for canoes, kayaks and other non-motorized vessels, where permitted pursuant to subsection C, shall be no wider than necessary to permit the launch of the intended vessels, and shall not extend waterward of the ordinary high water mark more than ten (10) feet measured perpendicularly; preferred launch ramp designs, in order of priority, are:

1. Gravel and cobble materials, or other natural surfacing;
2. Open grid designs with minimum coverage of substrate;

3. Pre-cast concrete planks with segmented pads and flexible connections that leave space for natural substrate and can adapt to changes in substrate profile. In all cases, such segmented pads shall be used waterward of the OHWM.

E. Accessory facilities to the launches described in subsection D may be allowed, including parking, restrooms or sanitary facilities and picnic facilities, and for boat rental facilities on Borst Lake, boat storage facilities and a rental office or kiosk sized appropriately for the intended rental operation.

F. Boat launches of any other nature are prohibited in all other locations, except for authorized police and emergency services boats, which may be established pursuant to a conditional use permit limiting the size and other characteristics of the launch to the intended function, and shall incorporate appropriate gates and signage prohibiting any use of such boat launch by any person or for any purpose other than authorized police and emergency service boats.

G. Piers, docks and floats are prohibited in all locations, provided, limited small scale piers, docks and floats may be permitted as a conditional use on Borst Lake for canoes, kayaks and other non-motorized vessels.

H. Docks, piers and floats, when permitted pursuant to subsection G, shall not exceed six feet in width, and the waterward intrusion of any such pier, dock or float shall not exceed twenty four feet measured perpendicularly from the ordinary high water mark, or the point where the water depth is eight feet below the ordinary high water mark, whichever is reached first.

I. Materials used for pilings, dock decking or other structural components associated with subsection G, shall use:

1. Materials approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies. ACZA treated wood must meet Post-Treatment Procedures;

2. Deck grating that allows at least 40% light penetration.

J. The location and design of all boat launches, piers, docks and floats, when permitted pursuant to this section, shall minimized interference with surface navigation, allow for the safe, unobstructed passage of fish and wildlife, particularly those dependent on migration, and shall consider impacts to public views

K. The retrieval lines of floats shall be of such materials as to prevent their floating on or near the surface of the water.

19.08.400 Commercial development.

A. The design of water-enjoyment commercial development, when permitted in the Urban Riverfront Environment, shall incorporate to the maximum extent feasible public access features such as patios, decks, balconies and walkways affording customers and members of the public visual access to the Snoqualmie River. In addition the design of water-enjoyment commercial development shall provide for ecological restoration.

B. On-site parking required for commercial development, if any, in the Urban Riverfront Environment shall be located landward of the building housing the principle use, except where historic overlay zone standards for site design within SMC 17.35.200 necessitate locating on-site parking to the rear or side of the commercial development . On-street and publicly owned parking lots on Falls Avenue and Railroad Avenue between

Fir Street and Newton Street shall be deemed available for all commercial uses in the Urban Riverfront Environment to reduce on-site parking requirements.

C. The Shoreline Use Table in Section 19.08.340 implements through the determination of allowable uses the first preference to water-dependent uses and next preference to water-oriented uses, as such preference cannot be implemented on a permit-by-permit basis, provided, all commercial development requiring a shoreline conditional use permit, such preferences shall be considered in establishing appropriate conditions.

D. Non-water-oriented commercial development in the Urban Floodplain environment if permitted must be physically separated by another property or right of way or consistent with the underlying zoning and all applicable provisions of this chapter, including but not limited to critical areas regulations.

E. Non-water-oriented commercial development, when permitted in the Urban Conservancy Environment, shall be consistent with the underlying zoning, and upon findings by the approving body, it shall preserve the largely undeveloped nature of this environment consistent with existing low intensity recreation and agricultural uses, preservation of floodplain storage functions, protection of publicly owned open spaces, and public access to the Snoqualmie River.

F. Commercial development in the Hydropower Environment shall be limited to those hydropower uses permitted by a Federal Energy Regulatory Commission license, and those commercial developments supporting hospitality and tourist uses.

G. No commercial development of any nature shall be permitted in the Natural Environment.

H. Non-water-dependent commercial uses over water shall not be permitted except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

19.08.410 Dredging.

A. Dredging is prohibited in the Aquatic Environment except as part of an approved habitat or natural ecosystem restoration or enhancement project, or as part of a flood hazard reduction project as part of a long-term management strategy consistent with an approved flood hazard reduction plan.

B. Dredging for fill material is prohibited except for projects associated with state MTCA or federal CERCLA habitat restoration, or any other significant restoration effort approve by shoreline conditional use permit.

C. All dredging, when permitted, shall minimize impacts to the riverine geomorphic process and shall mitigate all significant ecological impacts.

D. Disposal of dredged material within shoreline jurisdiction is prohibited.

19.08.420 Fill.

Fill shall be permitted within shoreline jurisdiction only when it complies with the following:

A. Fill is prohibited in the Aquatic Environment, except as part of a habitat or natural ecosystem restoration project, or as part of an approved flood control project.

B. Fill of wetlands or buffers within shoreline jurisdiction is permitted only as allowed by this chapter and integrated provisions of Chapter 19.12 SMC, Critical Areas, with full mitigation by providing replacement wetlands or buffers at the prescribed ratios.

C. In all other shoreline environments, fill is permitted only to the extent permitted by Chapter 15.12 SMC, Flood Hazard Regulations.

19.08.430 Forest practices.

A. All forest practices within shoreline jurisdiction shall be conducted in compliance with the State's Forest Practices Act for all forest management activities, including Class IV, general forest practices, where shorelines are being converted or are expected to be converted, to non-forest uses.

B. All forest practices within shoreline areas shall be conducted to maintain the ecological function of the watershed's hydrologic system.

C. With respect to timber situated within two hundred feet abutting landward of the ordinary high water mark of the Snoqualmie River, only selective commercial timber cutting shall be allowed so that no more than thirty percent (30%) of the merchantable trees may be harvested in any ten (10) year period. Other timber harvesting methods may be permitted as a conditional use in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental.

D. Where forest lands are converted to another use, such conversion shall be conditioned to avoid significant adverse impacts on other shoreline uses, resources and values, such as recreation and public access.

19.08.440 Habitat and natural ecosystem restoration and enhancement.

A. Habitat and natural ecosystem restoration and enhancement projects shall be allowed in all shoreline environments, including the programs and projects included in the Shoreline Master Program Shoreline Restoration Plan on file with the administrator.

B. Restoration and enhancement projects shall be consistent with the recommendations in the Shoreline Master Program Restoration Plan to the maximum extent feasible.

19.08.450 Industrial uses.

A. Industrial development, where allowed by this chapter and the underlying zoning, shall be conditioned by the hearing examiner so that buildings and structures are located, designed and constructed in a manner such that development does not have significant adverse impact to other shoreline resources and values.

B. Industrial uses and redevelopment are encouraged to be located where environmental cleanup and restoration can be accomplished.

C. All new industrial development shall include a condition requiring provision for public access unless such requirements would interfere with operations or create hazards to life or property.

D. The Shoreline Use Table in SMC 19.08.340 implements through the determination of allowable uses the first preference to water-dependent uses and next preference to water-oriented uses, as such preference cannot be implemented on a permit-

by-permit basis, provided, such preferences shall be considered during the permitting process for all industrial development requiring a shoreline conditional use permit in order to establish appropriate conditions.

19.08.460 In-stream structures.

A. In-stream structures are those structures waterward of the ordinary high water mark and either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flows.

B. In-stream structures, including those for hydroelectric generation, irrigation, water supply, waste and storm water discharge, flood control, transportation, utility service transmission, fish habitat enhancement or other purpose, shall be only allowed when consistent with the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

C. When allowed by subsection B of this section, in-stream structures shall be designed, constructed and maintained to provide for the protection and preservation of ecosystem-wide processes, ecological functions and cultural resources.

19.08.470 Mining.

A. Existing mining operations within shoreline jurisdictions having a valid operating permit may continue in accordance with all terms and conditions of the existing permit.

B. New or expanded mining operations are prohibited within shoreline jurisdiction.

19.08.480 Public access required for publicly funded facilities.

A. All publicly financed facilities, parks, trails and open spaces adjacent to the Snoqualmie River shall incorporate facilities such as boardwalks and viewing platforms to the maximum extent feasible to provide visual public access to the Snoqualmie River.

B. Publicly financed facilities, parks, trails and open spaces adjacent to the Snoqualmie River shall include facilities for physical access to the Snoqualmie River as appropriate and when consistent with public safety.

19.08.490 Recreation facilities.

A. Recreational facilities include both commercial and public facilities.

B. Development of public recreational facilities within the shoreline jurisdiction shall be consistent with all adopted park, recreation and open space plans. Priority shall be given for access to and use of the water over other development.

C. High intensity active recreation facilities may be permitted only in the Urban Floodplain and Urban Conservancy Environments, provided, in the Urban Conservancy Environment the Administrator must find that such uses are located and designed to avoid or minimize environmental impacts and are compatible with the purpose of the environment.

D. Low intensity active recreation facilities may be permitted in all shoreline environments except the Natural and Hydropower Environments, provided, for the Urban Conservancy and Urban Riverfront Environments the Administrator must find that such uses are consistent with public safety.

E. Pedestrian and bicycle trails, boardwalks, and a limited number of river and lake viewing areas and platforms shall be consistent with the shoreline setback standards provided in SMC 19.08.350(C), applicable buffer, and the vegetation management corridor of the Snoqualmie River, Kimball Creek, and Borst Lake, provided trail locations and design are consistent with the purposes of the environment in which they are located and approved by the Administrator.

F. Construction of pedestrian and bicycle trails and boardwalks, river or lake viewing areas, or non-motorized boating put-in and take-out areas shall be subject to all conditions for mitigation that may be imposed as a result of an assessment of impacts of such facilities on shoreline ecological functions.

G. Trail designs shall be consistent with the adopted City trail standards, provided design for regional trail segments located within the City's shoreline areas shall be consistent with King County trail standards.

H. Pedestrian and bicycle trails and boardwalks, river or lake viewing areas, or non-motorized boating put-in and take-out areas shall be located to avoid removal of large/mature trees, minimize disturbance of native vegetation, utilize existing disturbed/cleared areas, and otherwise avoid and minimize impacts to natural resources, all to the maximum extent practicable.

I. A Habitat Management Plan (HMP) shall be prepared for any pedestrian and bicycle trails, boardwalks, and river viewing points constructed in the Urban Riverfront Environment within 100 feet of the OHWM of the Snoqualmie River. The HMP shall maximize ecological functions and values through one or more measures. Where impacts to riparian habitat cannot be fully avoided, a compensatory mitigation plan is required to replace the functions and values lost or disturbed due to trail development. The HMP shall be prepared in accordance with the requirements for critical areas studies in SMC 19.12.060 and SMC 19.12.090.

19.08.500 Residential development.

A. New residential subdivisions and multiunit residential development shall be designed, configured and developed to prevent the loss of ecological functions at build-out, prevent the need for new shoreline stabilization or flood hazard reduction measures, and be consistent with applicable shoreline environment designations and standards.

B. To the extent consistent with constitutional principles, new multiunit development and subdivisions of more than four lots shall include public access in conformance to local public access plans. Where such a requirement is inconsistent with constitutional principles, provision of such public access is encouraged.

C. Access, utilities, and public services must be available and adequate to serve existing needs and/or planned future development.

D. Over-water residences and floating homes are prohibited within shoreline jurisdiction.

E. In the limited area of shoreline jurisdiction where single family residential use is allowed per SMC Title 17 (Zoning standards), such use shall be considered a priority shoreline use consistent with WAC 173-26-241(3)(j).

19.08.510 Shoreline modifications and stabilization.

A. Shoreline stabilization includes all structural and nonstructural shoreline modifications to address erosion impacts to property and dwellings, businesses or structures caused by natural processes, such as flooding and channel movement.

B. Shoreline stabilization measures are allowed when protecting existing primary structures; new nonwater-dependent development, including single-family residences; water-dependent development; restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW; public infrastructure; and property. Shoreline stabilization measures may be constructed within the shoreline setback.

C. All new development near the riverfront shall be located and designed to avoid the need for future structural shoreline stabilization measures to the greatest extent practicable. New development that would require shoreline stabilization which causes significant impacts to adjacent or downstream properties shall be avoided or minimized.

D. When new, enlarged or replacement shoreline modifications for stabilization are proposed, the feasibility of non-structural shoreline stabilization measures shall be evaluated. Non-structural measures to protect public and private property include elevating or relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff. Non-structural measures shall be required when determine feasible, and shall be preferred over structural shoreline stabilization methods.

E. Structural shoreline stabilization measures to protect public and private property shall be allowed only when necessity is demonstrated by conclusive evidence, documented by a geotechnical analysis that existing primary structures or infrastructure is in danger from shoreline erosion caused by currents or floods, and damage from such erosion will occur within three years of the geotechnical analysis. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

F. When structural shoreline stabilization measures are allowed, the use of soft structural measures, such as bio-engineered methods (e.g., jute netting and live staking) or bio-technical methods (e.g., erosion control matting and live cribbing) that provide restoration of ecological functions shall be used, unless a geotechnical report demonstrates that soft structural stabilization measures will not be sufficient and hard structural methods (riprap and gabion walls) are required. Such geotechnical analysis shall address the necessity for shoreline stabilization by estimating the time frames and rates of erosion and report on the urgency associated with the specific situation.

G. The size of structural shoreline stabilization measures shall be limited to the minimum necessary and publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

H. Replacement of existing shoreline stabilization structures may be allowed based on demonstrated need. Waterward encroachment of replacement shoreline

stabilization structures is allowed only for residences occupied prior to January 1, 1992, and when there are overriding safety or environmental concerns.

I. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security or harm to ecological functions. Where feasible, incorporate ecological restoration and public access improvements into the project.

J. New stabilization structures for existing structures that are primarily residential are allowed only when no alternatives are feasible, including relocation or reconstruction of an existing structure, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result.

19.08.520 Institutional development.

A. Institutional development shall be designed so that buildings and structures are located, designed and constructed in a manner that such development does not have significant adverse impact to other shoreline resources and values, and be consistent with applicable shoreline environment designations and standards.

B. The maintenance, repair and replacement of existing institutional facilities are permitted in all shoreline environments.

C. Access, utilities, and public services must be available and adequate to serve existing needs and/or planned future development.

19.08.525 Transportation and parking facilities.

A. Existing transportation facilities may be maintained, repaired and replaced in all shoreline environments, and within the shoreline setback.

B. New roads, railroads and associate bridges are prohibited in the Natural Environment unless the applicant can demonstrate that there is no feasible alternative, and that all reasonable measures have been incorporated in the design to ensure that the facility is compatible with the purposes of the Natural Environment to the maximum extent possible consistent with achieving the purpose for the transportation facility.

C. New transportation facilities are permitted in all shoreline environments except the Natural Environment subject to compliance with all applicable regulations of this code, provided roads, railroads, and associated bridges are prohibited in the Natural Environment as set forth in subsection B of this section.

D. New or upgraded roads within shoreline jurisdiction shall include adequate facilities for pedestrians, bicycles, and public transportation as appropriate; and shall provide for concurrent use as utility rights of way including at bridge crossings.

E. Connections shall be provided between new and existing trails and bicycle paths.

F. Circulation systems shall be located and designed to minimize impacts that might occur to the natural features and functions of the shoreline.

G. Parking as a stand-alone use shall not be allowed in any shoreline environment, except with a conditional use permit in the Urban Riverfront environment.

H. Parking or loading facilities necessary to support an authorized shoreline use may be allowed in shoreline areas only when:

1. They are allowed by the underlying zoning; and
2. The applicant can demonstrate that no other alternative location is feasible to serve the primary use of the site; and
3. The facility will not result in a net loss of ecological functions.

I. For permitted water-oriented uses that require parking or loading facilities, allowed parking shall be located landward of the allowed use and outside of required shoreline buffers and setbacks.

J. New transportation facilities shall be located outside of shoreline setbacks, buffers, and vegetation management corridors to the greatest extent feasible. The Shoreline Administrator may allow new transportation facilities within the shoreline setback, buffer, and/or vegetation management corridor upon finding that:

1. It is not feasible to locate new transportation facilities outside the shoreline setback;
2. All reasonable measures have been incorporated in the design to ensure that the transportation facility is compatible with the purposes of the shoreline environment designation where the facility will be located to the maximum extent possible consistent with achieving the purpose for the transportation facility; and
3. The new transportation facility is subject to all mitigation conditions that may be imposed to address potential impacts of such facility on shoreline ecological functions.

19.08.530 Utilities.

A. The maintenance, repair, and replacement of existing utilities is permitted in all shoreline environments.

B. Utilities shall be located in existing rights of way whenever feasible (including existing transportation rights of way), and where new over-water utilities are proposed they shall be located at existing or approved bridge crossings.

C. New utilities or the extension of existing utilities is prohibited in the Natural Environment and the Urban Conservancy Environment unless an applicant can demonstrate there is no feasible alternative, and that all reasonable measures have been incorporated in the design to ensure that the utility is compatible with the purposes of the Natural Environment or Urban Conservancy Environment as applicable to the maximum extent possible consistent with achieving the purpose for the utility.

D. New utility production and processing facilities and transmission facilities are prohibited in all shoreline environments with the exception of the continued operation of the hydropower facility in the Hydropower Environment consistent with any license issued by the Federal Energy Regulatory Commission.

E. Where utilities do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

F. New utilities and/or utility facilities shall be located outside of shoreline setbacks, buffers, and vegetation management corridors to the greatest extent feasible. The Shoreline Administrator may allow new utilities and/or utility facilities within the shoreline setback, buffer, and/or vegetation management corridor upon finding that:

1. It is not feasible to locate new utilities and/or utility facilities outside the shoreline setback;

2. All reasonable measures have been incorporated in the design to ensure that the utility is compatible with the purposes of the shoreline environment designation where the utility will be located to the maximum extent possible consistent with achieving the purpose for the utility; and

3. The new utility and/or utility facility is subject to all mitigation conditions that may be imposed to address potential impacts of such facility on shoreline ecological functions.

19.08.540 Vegetation management corridor.

A. There are hereby established vegetation management corridors on the Snoqualmie River, Kimball Creek, and Borst Lake that are co-extensive with the critical area buffers required by Article VI of SMC Chapter 19.08 through integrated critical areas standards, except in the Urban Riverfront shoreline environment designation where the vegetation management corridor extends 100 feet from the OHWM of the Snoqualmie River.

B. Within vegetation management corridors, the removal of vegetation, other than non-native invasive species and danger trees, is prohibited except as specifically allowed by these regulations.

C. Within vegetation management corridors, vegetation may be removed and/or pruned to provide a permitted trail, boardwalk, or viewing platform for public access and enjoyment including accessory facilities such as individual picnic tables, interpretive or wayfinding signage, benches and water fountains. When permitted, clearing and vegetation removal shall be the minimum necessary to accommodate the permitted development. Trees removed, greater than 16 inches in diameter at breast height, shall be mitigated by a minimum ratio of three (3) trees planted to one (1) tree removed. Replanting shall be accomplished to the extent feasible with species native to the Snoqualmie River basin. Replanted areas shall be maintained as necessary to ensure that vegetation is fully reestablished within three (3) years and shall be monitored for five (5) years.

D. Within the vegetation management corridors of Borst Lake and the Snoqualmie River below Snoqualmie Falls, a limited number of put-in and take-out points for non-motorized boating shall be permitted provided the total number, locations and design shall be reviewed for consistency with public safety and the protection of shoreline ecological functions.

E. Vegetation management activities shall be designed to achieve the following vegetation characteristics: diversity of plant species, continuity of habitat and ecological processes, production of snags and downed wood debris, and diverse habitat and edge conditions.

F. A vegetation management plan shall be prepared and submitted for approval by the Administrator prior to the issuance of any permit or approval for development in the vegetation management corridor.

G. Non-native or noxious species may be removed by manual or mechanical means. Herbicides may be used at the discretion of the Administrator when demonstrated that use of manual or mechanical means is insufficient to remove and/or control non-native or noxious species and when use of herbicides is consistent with King County Noxious Weed Control Program Best Management Practices for control of non-native or

noxious species. Only the use of herbicides approved by the Department of Ecology is allowed.

H. Native vegetation removal, other than invasive species, on steep or unstable slopes is prohibited unless part of a project.

I. During construction, best management practices for erosion and sedimentation control during construction shall be employed. Vegetation removal that would likely result in significant erosion or the need for shoreline stabilization measures is prohibited.

19.08.550 Water Quality.

A. The requirements of Chapter 15.18 SMC, Surface and Storm Water Management, shall be administered in a manner consistent with all of the requirements of this chapter to provide the maximum protection against adverse impacts to water quality and storm water quantity from all permitted shoreline uses, activities, modifications, and development. When the exercise of discretion is authorized by Chapter 15.18 SMC, it shall be exercised in a manner to provide the greatest protection of shoreline ecological function.

B. All shoreline uses, activities, modifications, and development that involve ground disturbing activities shall require approval of a temporary erosion and sedimentation plan by the public works department, regardless of whether any other permit or approval is required.

C. Low-impact surface and storm water management techniques shall be utilized if existing site conditions allow for it.

D. New development and all existing development currently using septic systems shall connect to the City's sanitary sewer system where sewer service is available consistent with requirements of SMC 13.04.060.

Article VI. Substantive Provisions – Critical Areas

19.08.560 Critical Areas Provisions Adopted by Reference.

A. The City of Snoqualmie Critical Areas Ordinance, as adopted by Ordinance 1176 (June 13, 2016) and codified in Chapter 19.12 of the Snoqualmie Municipal Code, are herein adopted by reference into this Program, except for as provided in SMC 19.08.560.C.

1. The provisions of the Critical Areas Ordinance shall apply to any use, alteration, or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required.

2. Within shoreline jurisdiction, the provisions of the Critical Areas Ordinance shall be liberally construed together with this Shoreline Master Program to give full effect to the objectives and purposes of the provisions of this Program and the Shoreline Management Act. If there is a conflict or inconsistency between any of the adopted provisions below and the Shoreline Master Program, the more restrictive provision(s) shall prevail.

3. Minimal Impacts and no net loss. All the regulations of this chapter and Chapter 19.12 SMC, as incorporated by reference, shall be applied to uses, activities, modifications, and development within shoreline jurisdiction in order to ensure minimal impacts to and no net loss of shoreline ecological function.

B. Critical areas regulated within shoreline jurisdiction include:

1. Geologically Hazardous Areas and any required buffers including:
 - a. Erosion Hazard Areas;
 - b. Landslide Hazard Areas;
 - c. Steep Slope Hazard Areas; and
 - d. Seismic Hazard Areas;
2. Channel Migration and Erosion Hazard Zones;
3. Frequently Flooded Areas;
4. Streams and required buffers;
5. Wetlands and required buffers, except that when an associated wetland is located at the outer edge of shoreline jurisdiction, all provisions and administrative procedures of Chapter 19.12 SMC shall regulate the buffer where the buffer extends outside of shoreline jurisdiction;
6. Fish and Wildlife Habitat Conservation Areas and any required buffers; and
7. Critical Aquifer Recharge Areas.

C. Exceptions to the applicability of the City of Snoqualmie Critical Areas Ordinance within the shoreline jurisdiction are as follows:

1. All Allowed Activities within critical areas as listed in SMC 19.12.040, including public agency exceptions, utility exceptions, and reasonable use exceptions, shall not be granted within shoreline jurisdiction. Unless listed in SMC 19.08.570 (Critical Areas, Permitted and Allowed Activities within Shoreline Jurisdiction), SMC 19.08.580 (Filling or Alteration of Wetlands), or otherwise specifically allowed in this chapter, any proposals that require impacts to critical areas or buffers shall require a shoreline variance pursuant to the requirements of this chapter and Chapter 173-27 WAC.

2. Administrative and procedural provisions, such as review, appeals, and enforcement, shall be governed by this chapter and not Chapter 19.12 SMC.

19.08.570 Critical Areas, Permitted and Allowed Activities within Shoreline Jurisdiction.

A. All permitted activities shall be reviewed and permitted consistent with this chapter, and shall require a shoreline letter of exemption, substantial development permit, or conditional use permit consistent with the administrative provisions of this chapter.

B. Permitted activities within integrated provisions of the Critical Areas Ordinance shall be allowed within shoreline jurisdiction, as listed in this section:

1. Erosion hazard areas – alteration to erosion hazard areas is only allowed as permitted by SMC 19.12.100.
2. Landslide hazard areas – alteration to landslide hazard areas and associated buffers is only allowed as permitted by SMC 19.12.110.
3. Steep slope hazard areas – alteration to steep slope hazard areas and associated buffers is only allowed as permitted by SMC 19.12.120.
4. Seismic hazard areas – alterations to seismic hazard areas shall only be allowed as permitted by SMC 19.12.130.
5. Channel migration and associated erosion hazard zones – alterations to channel migration and associated erosion hazard zones shall only be allowed as permitted by SMC 19.12.140
6. Frequently flooded areas - alteration to frequently flooded areas is only allowed as permitted by SMC 19.12.150.
7. Streams – all provisions and permitted alterations of streams and associated buffers shall apply in shoreline jurisdiction consistent with SMC 19.12.160, except:
 - a. The city may not grant a public agency or utility exception or reasonable use exception as indicated by SMC 19.12.160(B).

b. Other uses and activities allowed within stream buffers as provided by this chapter shall be permitted, provided that mitigation is provided consistent with this chapter and Chapter 19.12 SMC.

8. Wetlands – all provisions and permitted alterations of wetlands and associated buffers shall apply in shoreline jurisdiction consistent with SMC 19.12.170 and 19.12.180, except:

a. Alteration of impacts to wetlands less than one thousand (1,000) square feet in area provided by SMC 19.12.170(E) shall not be allowed.

b. The criteria for filling or alteration of wetlands provided by SMC 19.12.170(F) shall not apply in shoreline jurisdiction; the alternative criteria for filling or alteration of wetlands provided by SMC 19.08.580 shall apply.

9. Fish and wildlife habitat conservation areas – alteration to fish and wildlife habitat conservation areas is only allowed as permitted by SMC 19.12.190.

10. Critical aquifer recharge areas - alteration to critical aquifer recharge areas is only allowed as permitted by SMC 19.12.200.

C. In addition to permitted activities identified in subsection B of this section, the following development, modifications, activities, and associated uses are allowed as provided below, provided they are consistent with the provisions of other local, state, and federal laws and requirements and ensure minimal impacts to and no net loss of shoreline ecological functions, including the functions of associated critical areas:

1. Emergencies that threaten the public health, safety and welfare. Altered critical areas or buffers may be required to be restored and/or impacts resulting from emergency actions mitigated, based on review by the city, after the emergency situation is stabilized.

2. Removal of such potential fuels within portions of a critical areas buffer in the urban-wildland interface as determined necessary by the fire chief on a site-specific assessment to create a defensible space within 30 feet of a residence in areas declared by the fire chief to be a wildfire threat zone, pursuant to a plan approved by the fire chief. Such plan shall not authorize any more clearing of a critical area buffer than is necessary to eliminate fuels likely to cause the spread of a wildfire.

3. Normal and routine maintenance or repair of existing utility or street rights-of-way or utility structures. Utility or street rights-of-way shall be maintained in a manner that meets the objectives of safe and efficient use of the right-of-way, while eliminating the use of chemical herbicides within the corridors. Normal and routine maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are

not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

4. Removal of state-listed invasive and noxious weeds and additional aggressive non-native species, including listed knotweed, Scotch Broom, English Ivy, and Himalayan and Evergreen Blackberry; provided, only hand labor and light equipment that minimizes disturbance to the critical area or buffer is used, and chemical applications approved for use adjacent to streams and wetlands, provided best management practices are used.
5. Removal of dangerous trees, with the director's approval. A certified arborist's evaluation may be required in the discretion of the director if the hazard is not clearly evident.
6. Enhancement and restoration plantings for the purpose of restoring functions and values of critical areas or buffers that do not require construction permits; provided, only hand labor and light equipment that minimizes disturbance to the critical area or buffer is used. Removal or trimming of trees within critical areas or their buffers, and replacing them with lower growing shrubs, for the purpose of creating or expanding a view corridor, shall not be deemed an enhancement or restoration action and is not an exempted activity.
7. The following agricultural activities in existence as of the effective date of Ordinance No. 691:
 - a. Grazing of livestock, provided best management practices are implemented to protect water quality;
 - b. Mowing of hay, grass or grain crops in existence prior to 1995, provided such uses do not increase the degree of nonconformity;
 - c. Tilling, disking, planting, seeding, harvesting, and related activities for pasture, food crops, grass seed, or sod; provided, that such activities do not involve any expansion into the critical areas or buffer of the area involved from that existing on the date this chapter becomes effective;
 - d. Normal and routine maintenance of drainage and irrigation ditches, provided they are not used by salmonids; farm ponds; stocked fish ponds; manure lagoons; and created livestock watering ponds; provided, that such activities shall not involve conversion of or expansion into any wetland or buffer not currently being used for such activity and best management practices are used. Maintenance actions within drainage ditches that drain directly to salmonid-bearing waters may require permits from state or federal regulatory agencies.
8. Minor site investigative work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities are permitted

where such activities do not require construction of new roads, removal of native trees or shrubs, or displacement of more than five cubic yards of material. Investigations involving displacement of more than five cubic yards of material, including geotechnical soil borings, groundwater monitoring wells, percolation tests, and similar activities shall require submittal of specific plans and restoration plans. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.

D. A continuous riverwalk trail, boardwalk, and public viewing areas within the buffer of the Snoqualmie River are allowed in all shoreline environments.

E. Farm Plans. Agricultural activities may be conducted consistent with a farm plan approved by the King Conservation District and the city. A qualified consultant shall evaluate agricultural activities, including vegetation management, outlined in a farm plan with the standards established in this chapter and Chapter 19.12 SMC.

F. Mitigation Required. Any authorized alteration of a critical area or its buffer under subsections B and C of this section shall be subject to conditions established by the city and shall require mitigation described in an approved mitigation plan that meets the mitigation requirements of this chapter and Chapter 19.12 SMC, as incorporated by reference.

19.08.580 Filling or Alteration of Wetlands within Shoreline Jurisdiction.

A. Filling or alteration of wetlands:

1. Unless otherwise stated in this chapter, any proposed fill or alteration of a wetland shall either be approved through a shoreline variance process as described in this chapter, or in accordance with SMC 19.08.580(A)(2). Any proposal for wetland fill or alteration requiring a shoreline variance shall follow the mitigation sequencing established by SMC 19.12.090, as adopted by reference. All proposals for wetland fill or alteration shall meet criteria in SMC 19.12.090(A) sections (3) through (5).
2. Any proposed fill or alteration of a wetland on a site subject to a development agreement may be approved through a shoreline conditional use permit process if:
 - a. Mitigation is provided that locates and/or restores a compensatory wetland area on the same site, and the compensatory wetland area provides a higher level of wetland function than existed prior to the fill or alteration; and
 - b. Mitigation establishes buffers with dense, native vegetation to protect the wetland functions and values; and
 - c. Assessment is provided demonstrating hydrology will support the created or reestablished wetland; and

- d. Alterations adhere to applicable city, state, and federal requirements and permitting including, but not limited to, US Army Corps of Engineers and the Department of Ecology; and
 - e. A 10 year monitoring period is established in accordance with SMC 19.12.070, to ensure mitigation meets the design performance standards established in the approved mitigation plan.
3. The fill shall not result in the loss of flood storage and shall be compensated for within City limits;
 4. If the fill is located in the City's 100-year floodplain, the proposal must be consistent with the requirements of Chapter 15.12 SMC, Flood Hazard Regulations.
 5. The alteration shall not result in deficient buffers that do not adequately protect the remaining wetland.