

Shoreline Master Program Element

Introduction

Purpose and Relationship to GMA and SMA

The Growth Management Act (GMA) was amended in 1995 to add the goals and policies of the state Shoreline Management Act (SMA) as one of the goals of the GMA. The purpose of the SMA is stated in RCW 90.58.020 as follows:

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



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

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or

use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

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

The SMA policy has been refined to include provisions for uses along the shoreline, public access to shorelines, preservation and restoration of the shoreline resources and ecology, promotion of long term over short term benefit, and other actions to promote the state-wide interest of appropriate use of shoreline over local interest.

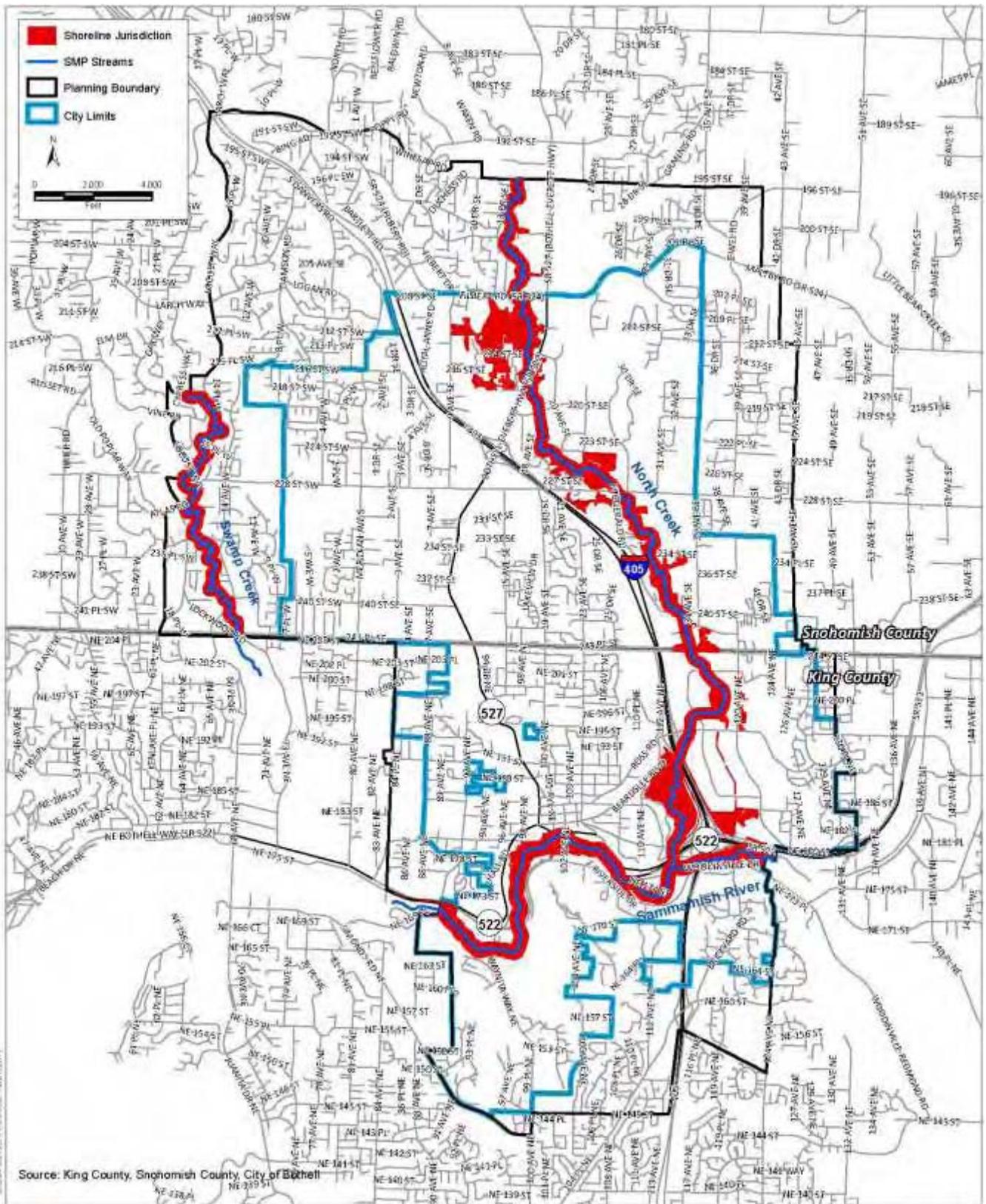
In addition to incorporating the state SMA goals and policies, the Growth Management Act also provides that "the goals and policies of a shoreline master program for a county or city...shall be considered an element of the county or city's comprehensive plan". The City of Bothell's Shorelines Master Program (SMP) was originally approved by the Washington State Department of Ecology in February, 1975 and was amended in July, 1986, March, 1990, and most recently in July, 1998. The City's shoreline goals and policies were incorporated in the Natural Environment Element of the *Imagine Bothell... Comprehensive Plan* in June, 1996. In the 2004 Plan Update, the goals and policies of Bothell's Shoreline Master Program were made a stand-alone element. In 2012, the SMP was updated consistent with Washington Administrative Code (WAC) Chapter 173-26, State master program approval/amendment procedures and master program guidelines (Guidelines). The Guidelines are administered by the Washington State Department of Ecology (Ecology). The SMP becomes effective after conclusion of both the City's SMP development and adoption process followed by Ecology's review and approval process.

Profile of the Shoreline Jurisdiction in Bothell's Planning Area

The entire shoreline jurisdiction within the city limits and Bothell Planning Area, including unincorporated territory and excluding aquatic areas, amounts to 782.8 acres, and is depicted in Figure SMP-1. The City of Bothell has three streams identified as "shorelines of the state": the Sammamish River, which runs for approximately 3.34 lineal miles through the City and is classified as a navigable water; North Creek, which runs for approximately 6.76 lineal miles through the City and Planning Area; and Swamp Creek, which runs for approximately 3.36 lineal miles through the Planning Area.

In accordance with state law, the jurisdiction of Bothell's Shoreline Master Program (SMP) encompasses the Sammamish River, North Creek, and Swamp Creek; land within 200 feet of the ordinary high water mark of these waterways; and their floodways, 100-year floodplains and associated wetlands.





Shoreline Jurisdiction
City of Bothell Shoreline Master Program

Figure SMP-1. Shoreline Jurisdiction
Imagine Bothell... Comprehensive Plan
 Shorelines Element
 2015 Periodic Plan and Code Update

A. How to Use This Document

1. The Shoreline Master Program (SMP) is divided into five sections (see Figure SMP-2):

- Goals and Policies

Goals and Policies define the community's vision for the City's shorelines and provide guidance to the City when evaluating shoreline variances, conditional use permits, interpretations, and future amendments to the SMP.

- Environment Designations -Chapter 13.07

Are analogous to zoning districts and divide the City's shorelines into 6 different environments: Aquatic, Natural, Urban Conservancy, Shoreline Residential, High Intensity, and Marina. Each environment designation contains specific use, development and operating requirements.

Water-oriented uses generally include:

- Water-Dependent: A water-dependent use is a use that is dependent on the water by reason of the intrinsic nature of its operations, and cannot exist in any other location.
- Water-Related: A water-related use is not intrinsically dependent on a waterfront location, but its economic viability is dependent upon a waterfront location.
- Water-Enjoyment: A water-enjoyment use is a use that facilitates public access to the shoreline, or draws substantial numbers of people to the shoreline and provides opportunities for the public to enjoy the shoreline.
- Non-water oriented uses are those uses that do not rely upon a shoreline location and can exist equally well in non-shoreline areas.

- General Development Regulations - Chapter 13.09

Are those regulations and standards applicable to all shoreline developments, uses, and activities. The General Development Regulations are organized by shoreline environments and specific land use and activity regulations

- Use-Specific and Shoreline Modification Regulations and Performance Standards - Chapter 13.11

Are the use-specific regulations applicable to categories of uses such as residential, commercial, boating, recreational and other uses or activities? For example, development of residential uses is addressed under Section 13.11.130. This section contains requirements that are applied to residential developments.

- Administrative Procedures - Chapter 13.17

Are the regulations used in the City's administration and enforcement of the Shoreline Management Program, implementation of the SMP Regulations within Title 13, and the permit application administration and processing procedures for shoreline developments.

2. How to determine the applicable regulations and standards that apply to an individual property

A. Locate the property on the environment designations maps in Chapter 13.07.

B. Turn to the use matrix (Section 13.07.080) to determine whether the proposed use or activity is Permitted (P), Conditional (C) or Prohibited (X). If prohibited, an alternative location for the use or activity is necessary;

C. Review the general regulations and performance standards within Chapter 13.09. These requirements, such as environmental protection, vegetation retention, public access, and

stormwater requirements, are applied to all shoreline uses, activities and developments. For example, all uses and activities are required to protect the ecological functions of shoreline areas.

- D. Review the requirements for the specific proposed use or activity within Chapter 13.11. Uses and activities have been divided into general categories. For example, development of residential uses is addressed under Section 13.11.130. This section contains standards and requirements applied to residential development, and makes reference to other relevant provisions.
- E. Determine what affect, if any, the critical areas requirements under Chapter 13.13 will have upon the proposed use or activity. For example, buffers are required from critical areas like wetlands, streams, and habitat areas. These buffers vary in dimension and vary upon the specific characteristics of the property such as the size and type of critical area and the environmental designation assigned to the property.

3. How to determine the type of shoreline permit that will be required for the activity

- A. Review the use matrix table (BMC Table 13.07.080-1) and determine whether the use in the specific environment designation is Permitted (P), Conditional (C) or Prohibited (X).
- B. Review 13.15 Administrative requirements to obtain details on the specified review process. There are three types of permit actions:
 - i. Exempt activities. These are activities that are not required to obtain a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit, but must be consistent with the requirements and standards of the Bothell SMP.
 - ii. Shoreline Substantial Development Permit. If the activity is not exempt per BMC 13.17.040 and is identified as “Permitted” (P) within the use matrix, the activity must obtain a Shoreline Substantial Development Permit as outlined with BMC 13.17.100.
 - iii. Shoreline Conditional Use Permit. If the activity is identified as “Conditional” (C) within the use matrix, or the use is not listed within the use matrix, the activity must obtain a Shoreline Conditional Use Permit (SCUP). A SCUP requires approval by the Bothell Hearing Examiner after a public hearing, and approval by the Washington State Department of Ecology.

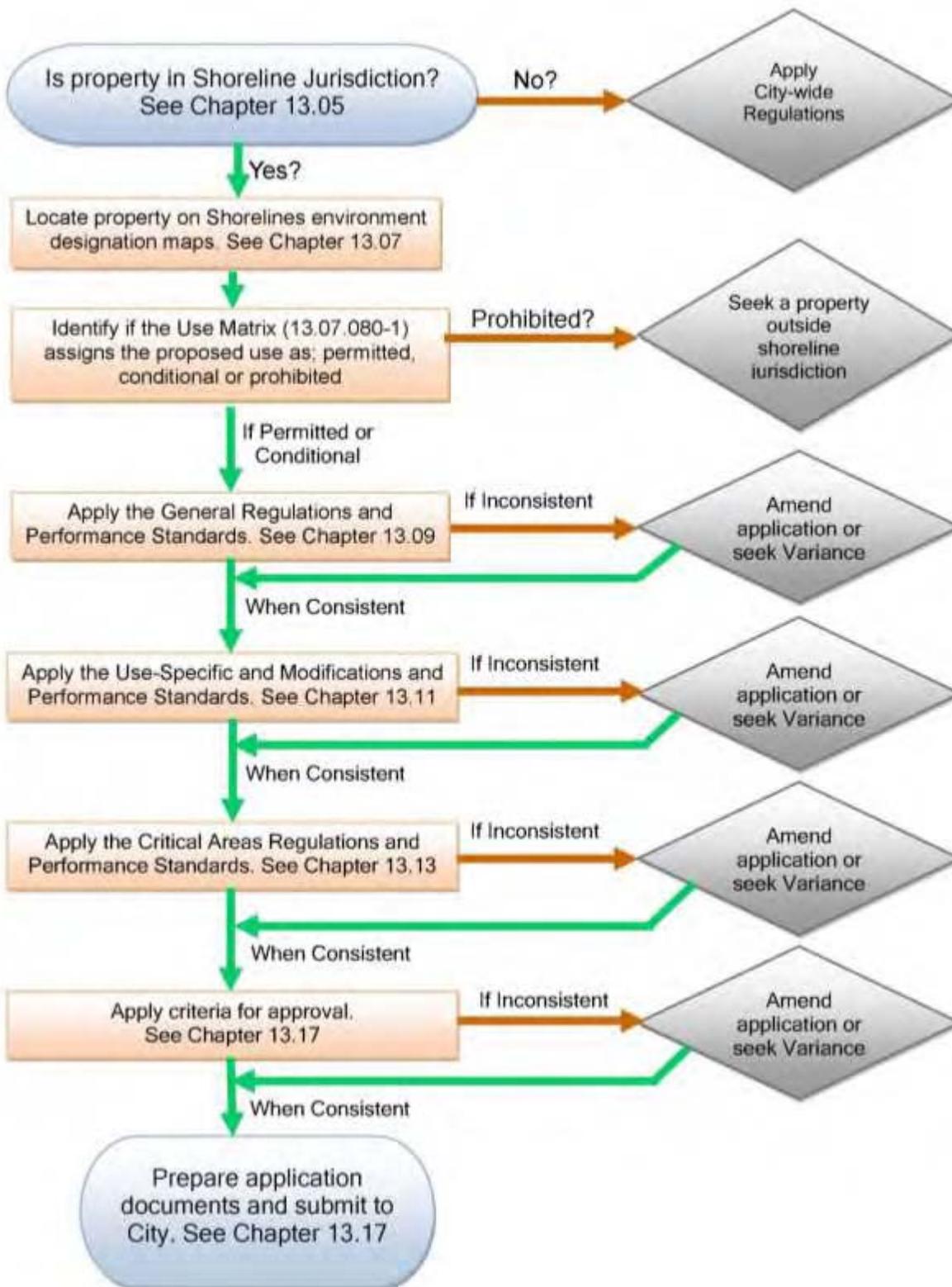


Figure SMP-2. Flow Chart

B. Goals and Policies

The goals and policies presented here are categorized according to Master Program elements as mandated by the SMA. The first eight elements are identified in the SMA as generic classes of activities for which goals and policies shall be developed and systematically applied to different shoreline uses in these classes, when deemed appropriate by the local jurisdiction. The other elements are encouraged or allowed by the SMA when also identified as appropriate by the local jurisdiction.

The general goal and policy statements found within each element of the Master Program are intended to provide the policy basis for administration of the City of Bothell SMP. All elements are equal in their importance and no element has a greater standing or relevance than any other element. The SMP Elements are as follows.

1. **Shoreline use element** for considering:
 - A. The proposed general distribution and general location and extent of the use on shorelines and adjacent land areas, including, but not limited to, housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;
 - B. The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation, and transportation; and
 - C. Establishing the importance of locating water-oriented uses, particularly those that are water-dependent, within the shoreline jurisdiction area.
2. **Economic development element** for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;
3. **Public access element** for provision for public access to shorelines, particularly publicly owned areas;
4. **Recreational element** for preserving and enlarging recreational opportunities including but not limited to parks, beaches, and recreational areas;
5. **Circulation element** consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;
6. **Conservation element** for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and critical areas' functions and values, fisheries and wildlife protection, and shoreline ecological functions;
7. **Historical/cultural/scientific/and educational element** for protecting and restoring buildings, sites and areas having historic, archaeological, cultural, scientific, or educational values;
8. **Flood control element** for giving consideration to the state-wide interest in the prevention and minimization of flood damages, and construction, modification, and restoration of flood-damaged structures consistent with FEMA Standards;
9. **Restoration element** for providing for restoring natural resources and ecological functions of the shoreline which have been degraded by human or natural actions; and
10. **Process element** for maintaining the Master Program and administration of the permit process.

C. Overarching Shoreline Goal for City of Bothell

SMP-G1 To provide a high quality shoreline environment where:

- A. Recreational opportunities are abundant.
- B. The public enjoys access to and views of shoreline areas.
- C. Natural systems are preserved, restored or enhanced.
- D. Ecological functions of the shoreline are maintained and improved over time.
- E. Water-oriented uses are promoted consistent with the shoreline character and environmental functions.

D. Shoreline Uses and Modifications Element

Land use allocations within the different environmental designations along the shorelines of the state within Bothell's jurisdiction should be applied in the order of priority listed below in SMP-P1 and considering existing development and the *Imagine Bothell... Comprehensive Plan* land use designation. There are four important types of uses discussed within the SMP which are briefly described below and defined in more detail later in SMP-P1:

- **Water-Dependent:** A water-dependent use is a use that is dependent on the water by reason of the intrinsic nature of its operations, and cannot exist in any other location.
- **Water-Related:** A water-related use is not intrinsically dependent on a waterfront location, but its economic viability is dependent upon a waterfront location.
- **Water-Enjoyment:** A water-enjoyment use is a use that facilitates public access to the shoreline, or draws substantial numbers of people to the shoreline and provides opportunities for the public to enjoy the shoreline.
- **Non-Water-Oriented:** A non-water-oriented use is a use that does not rely upon a shoreline location and can exist equally well in non-shoreline areas.

SMP-G2 To provide a land use management system which will plan for and foster reasonable and appropriate shoreline uses and provide guidance to shoreline property owners and the community.

SMP-G3 To give priority to water-dependent, water-related, and water-enjoyment uses, particularly shoreline recreation. Commercial development, multifamily residential, and other development that provides opportunity for substantial numbers of people to enjoy the shorelines of the state are preferred over nonwater-oriented uses.

SMP-G4 To establish open space corridors along the Sammamish River, North Creek, and Swamp Creek through application of critical area buffers, reservation of easements, acquisition of property by the City or other entity, transfer of development rights, location within otherwise established buffer areas, or other mechanisms.



- SMP-G5 To manage shoreline uses to prevent adverse impacts upon water quality, fish and wildlife habitats, and encourage restoration of ecological functions.
- SMP-P1 When assigning environment designations, determining permitted uses within the different designations and use categories, and reviewing individual applications, prefer uses which are consistent with preserving and enhancing the natural and aesthetic quality of important shoreline areas while allowing for reasonable development to meet the needs of the City and its residents. Give priority to shoreline uses as follows:
- A. Water-oriented uses, which are sub-prioritized as follows:
1. Water-dependent uses. A water-dependent use is dependent on the water by reason of the intrinsic nature of its operations, and cannot exist in any other location. Examples include swimming beaches, boat launches, docks, and marinas.
 2. Water-related uses. A water-related use is one that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location. Examples of water-related uses may include dry boat storage with onsite launching mechanisms, boat repair and maintenance, warehousing of goods transported by water, hydroelectric generating plants, and agriculturally related water transportation systems.
 3. Water-enjoyment uses. A water-enjoyment use is a recreational use or other use that facilitates public access to the shoreline, or draws substantial numbers of people to the shoreline and provides opportunities for the public to enjoy the physical and aesthetic benefits of the shoreline. Examples include parks and trails, museums, restaurants, aquariums, and golf courses.
- B. Single family residences and their accessory structures,
- C. Shoreline recreational uses facilitating public access to the shorelines of the state,
- D. Other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.
- SMP-P2 Maintain existing and foster new uses that are dependent upon, or have a more direct relationship with shoreline areas.
- SMP-P3 Allow for a diversity of appropriate uses within shoreline jurisdiction consistent with the varied character of the shorelines within the City and Planning Area.
- SMP-P4 Ensure that all uses on the shoreline will protect and improve water quality by proper design of drainage, sewer connections, and other measures as promulgated by this SMP, the National Pollutant Discharge Elimination (NPDES) Phase II Permit, the Bothell Surface Water Design Manual, and other City plans, programs and regulations.
- SMP-P5 Ensure that development regulations adequately protect the aesthetic and natural characteristics of the water and shoreline and promote no net loss of shoreline ecological function.
- SMP-P6 Promote coordination of the City's SMP, *Imagine Bothell... Comprehensive Plan*, and Parks, Recreation and Open Space Action Program to ensure consistency between land uses, recreation, and public access.

1. Shoreline Environment Designations

SMP-P7 Provide a comprehensive shoreline environment designation system to categorize Bothell shorelines into environments based upon the primary characteristics of shoreline areas to guide the use and management of these areas.

SMP-P8 Designate properties as Natural in order to protect and restore those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are sensitive to potential impacts from human use.



- A. Any use or development activity that would degrade the ecological functions or adversely alter the natural character of the shoreline area should be severely limited or prohibited.
- B. Development activity in the natural environment should only be permitted when no suitable alternative site is available on the subject property outside of shoreline jurisdiction.
- C. Development, when feasible, should be designed and located to preclude the need for shoreline stabilization, flood control measures, native vegetation removal, or other shoreline modifications.
- D. Development activity or land surface modification that would reduce the capability of vegetation to perform normal ecological functions should be prohibited.
- E. Restrictive access may be permitted for scientific, historical, cultural, educational and low-intensity water-oriented recreational purposes, provided there are no significant adverse ecological impacts.

SMP-P9 Designate properties as Urban Conservancy to protect and restore ecological functions of open space, parks, flood plains and floodways, and lands containing critical areas, while allowing a variety of compatible uses. This designation is appropriate for lands, such as waterfront parks, low density single-family, and open space, provided specific management policies to guide development and use of these areas is created, including but not limited to:

- A. Allowed uses should be those that preserve the natural character of the area and/or promote restoration within critical areas and public open spaces either directly or over the long term.
- B. Restoration of shoreline ecological functions should be a priority.
- C. Development, when feasible, should be designed to ensure that any necessary shoreline stabilization, flood control measures, native vegetation removal, or other shoreline modifications do not result in a net loss of shoreline ecological function or further degrade other shoreline values.
- D. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.



- E. Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas adjacent to navigable waters, water-dependent uses should be given highest priority.
- F. Commercial and industrial uses, other than small scale commercial activities conducted accessory to a public park, should be prohibited.

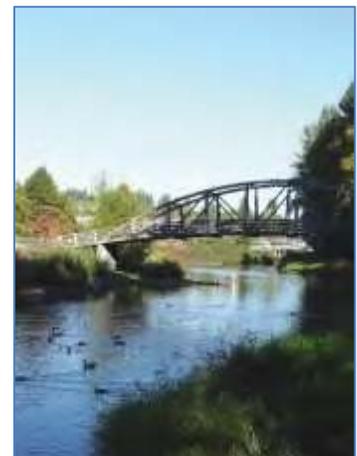
SMP-P10 Designate properties as Shoreline Residential to accommodate residential development and recognize existing land uses. This designation is appropriate for residential uses on lands with zoning classifications for detached and attached residential, excepting residential lands within established activity centers. The following management policies should guide development within these areas:

- A. Standards for buffers, lot coverage limitations, shoreline stabilization, vegetation conservation, critical area protection, and water quality should mitigate adverse impacts to maintain shoreline ecological functions.
- B. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
- C. Visual and physical access should be implemented whenever feasible and adverse ecological impacts can be avoided. Within attached residential developments, continuous public access along the shoreline should be provided, preserved or enhanced.
- D. Water-dependent recreational uses should be permitted.
- E. Limited water-oriented commercial uses which depend on or benefit from a shoreline location should also be permitted provided the underlying zoning classifications permit such uses.



SMP-P11 Designate properties as High Intensity to accommodate intensive land uses, such as residential - activity centers, commercial, office, retail, transportation, warehouse, manufacturing, and mixed-used developments. Designate a portion of the Park at Bothell Landing as High Intensity - Park to accommodate the unique features and shoreline public access of this waterfront park that links the downtown area with the Sammamish River. The following management policies should guide development within these areas:

- A. Manage development so that it enhances and maintains the shorelines for a variety of urban uses, with priority given in the following hierarchical order water-dependent, water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of an existing development as of the effective date of this SMP February 6, 2013, or when associated with public access or ecological restoration, but such uses should not conflict with or limit opportunities for water-oriented uses or limit direct access to the shoreline.
- B. Visual and physical access should be implemented whenever feasible and adverse ecological impacts can be avoided. Continuous public access along the shoreline should be provided, preserved or enhanced.



- C. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
- D. For the High Intensity - Park designation ensure that park uses, activities, and development maintain high levels of public access and activities near the Sammamish River, in a manner that is consistent with any City-adopted Park Master Plan and this SMP.

SMP-P12 Designate the Blue Heron Landing property and boat basin as Marina to accommodate an ongoing water-dependent and water-related business that provides services related to boat moorage, boat repair, and upland boat storage. The following management policies should guide development within this area:

- A. Provisions for the operation and management of the Marina environment should be directed towards maintaining and enhancing water-dependent and water-related services, while ensuring that existing and future activity does not degrade ecological functions.
- B. Dimensional standards for new or modified over-water structures should allow for safe and efficient use of the marina, while contributing to the maintenance or improvement of current ecological conditions.
- C. Allow application of the Marina designation to other properties when a SMP amendment is accomplished.
- D. Aesthetic objectives should be implemented by means such as sign control regulations, screening and architectural standards, and maintenance of natural vegetative buffers where such buffers do not interfere with the marina use and operation.



SMP-P13 Designate properties as Aquatic to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark. The following management policies should guide development within these areas:

- A. Provisions for the management of the Aquatic environment should be directed towards maintaining and restoring shoreline ecological functions.
- B. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- C. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- D. New overwater structures for water-dependent uses and public access are permitted, provided they will not preclude attainment of ecological restoration.
- E. Public recreational uses of the water should be protected against competing uses that would interfere with these activities.



F. Underwater pipelines and cables should be allowed when demonstrated that there is no feasible alternative location based on an analysis of technology and system efficiency, and that the adverse environmental impacts are not significant or can be shown to be less than the impact of upland alternatives.

2. Agriculture

- SMP-P14 In support of existing agricultural activities, locate and design agricultural development, clearing, and grading to avoid significant ecological impacts.
- SMP-P15 Encourage Integrated Pest Management and best management practices in the application of pesticides and herbicides.
- SMP-P16 Ensure new agricultural activities are consistent with shoreline resources and values, consistent with the use environment, and located and designed to assure no net loss of ecological functions and avoid adverse impacts on other shoreline resources and values.
- SMP-P17 Separate tilled areas from shoreline waterbodies by a suitable buffer strip of indigenous non-invasive vegetation in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality by slowing and filtering runoff, and thereby maintaining habitat for fish and wildlife.

3. Aquaculture

- SMP-P18 Due to the potential for introduction of additional contaminants into Bothell waters, only permit non-commercial aquaculture activities and uses, such as state-approved fish hatcheries and fish-rearing operations.
- SMP-P19 Give preference to non-commercial aquaculture operations that minimize environmental impacts through use of fewer visible structures or less extensive substrate and vegetation modifications.
- SMP-P20 Do not allow aquaculture in areas where it would degrade water quality, result in a loss of shoreline ecological function, impair navigation, or conflict with other water-dependent uses.
- SMP-P21 Design aquaculture facilities to minimize nuisance odors and noise, as well as visual impacts.

4. Boating Facilities (marinas/community docks/boat launches)

- SMP-P22 Locate new boating facilities and allow expansion of existing facilities at sites with suitable environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.
- SMP-P23 Require mitigation for any adverse impacts to ecological functions that may result from new, expanded or modified boating facilities.
- SMP-P24 Boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater cover are preferred.



- SMP-P25 Promote use of best management practices to control pollutants from boat maintenance, repair and use, including proper sewage disposal for boats.
- SMP-P26 Prohibit live-aboard boats, barges, houseboats, and other floating vessels in marinas and along private and public docks.
- SMP-P27 Encourage joint use boating facilities for developments containing five or more dwelling units.

5. Breakwaters, Jetties, Groins and Weirs

- SMP-P28 To the extent feasible, limit the use of breakwaters, jetties, groins, weirs and other similar structures to those projects providing ecological restoration or other public benefits.

6. Dredging and Dredge Material Disposal

- SMP-P29 Design and locate new shoreline development to avoid the need for dredging.
- SMP-P30 Limit dredging and dredge material disposal to the minimum necessary to allow for shoreline restoration, flood hazard reduction, and maintenance of existing legal moorage and retention of the Sammamish River as a navigable waterbody.
- SMP-P31 Recognize the status of the Sammamish River as a navigable waterbody as established by the U.S. Army Corps of Engineers, and the need to maintain the Sammamish River flood flow improvements constructed by the agency.

7. Fill

- SMP-P32 Limit fill waterward of the ordinary high water mark to support ecological restoration or to facilitate water-dependent or public access uses.
- SMP-P33 Fill upland of the ordinary high water mark should be allowed provided it is located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and is the minimum necessary to implement an approved project.

8. Forest Practices

- SMP-P34 Ensure compliance with the City's and State's Forest Practices Act for all forest management.
- SMP-P35 Conduct forest practices within shoreline areas in a manner that ensures water quality, and maintain vegetative buffer strips to protect fish populations and to avoid erosion of stream banks.
- SMP-P36 Ensure forest practices are conducted in a manner that assures no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.

9. In-Stream Structures

- SMP-P37 Locate, plan and permit in-stream structures only when consistent with the full range of public interests, ecological functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

10. Mining

- SMP-P38 Prohibit mining facilities within shoreline jurisdiction within the City and Planning Area.

11. Private Residential Docks

- SMP-P39 Design and locate private residential docks so that they do not interfere with shoreline recreational uses, navigation, or the public's safe use of the Sammamish River. Private residential docks should be prohibited on North and Swamp Creeks.
- SMP-P40 Design and construct new or expanded residential docks and their accessory components, such as boatlifts and canopies, to minimize impacts on native fish and wildlife and their habitat.
- SMP-P41 Encourage sharing of new private residential docks within new development and through consolidation and multiple use of existing residential docks.
- SMP-P42 Minimize adverse aesthetic impacts of private residential docks and their accessory components.



12. Residential Development

- SMP-P43 Recognize single family uses as a preferred use when developed without adverse impacts to ecological functions.
- SMP-P44 Design residential development to preserve existing shoreline vegetation and minimize the need for shoreline stabilization and flood control measures.
- SMP-P45 Prohibit over-water residential structures and floating residences.
- SMP-P46 Ensure new multifamily and single family residential development in shoreline jurisdiction, comprising 5 or more dwelling units, provides for public access to the shoreline consistent with this SMP. When such development is capable of providing public access improvements consistent with the Parks and Recreation Open Space Action Plan (PROSAP) Trails and Walking Routes, such access comprises the development's public access.

13. Shoreline Habitat and Natural Systems Enhancement Projects

- SMP-P47 Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and Low Impact Development techniques in projects located within the shoreline, where feasible.
- SMP-P48 Encourage and facilitate implementation of projects and programs included in the SMP Shoreline Restoration Plan.

14. Shoreline Stabilization

- SMP-P49 Limit use of hard structural stabilization measures to reduce shoreline damage.
- SMP-P50 Design, locate, size and construct new or replacement structural shoreline protection structures to minimize and mitigate the impact of these modifications on the City's shorelines.
- SMP-P51 Locate and design new development to eliminate the need for new shoreline modification or stabilization.

SMP-P52 Encourage salmon-friendly shoreline design during new construction and redevelopment by offering incentives and regulatory flexibility.

15. Utilities

SMP-P53 Whenever feasible, locate new non-water-oriented domestic water, electrical, communication, natural gas and other utilities outside shoreline jurisdiction. Utilities that must be located within shoreline jurisdiction should be located within existing rights-of-way or corridors whenever feasible.

SMP-P54 Locate and design utility facilities and corridors to protect scenic views and minimize aesthetic impacts.

SMP-P55 Locate utility facilities and corridors to prevent loss of ecological function and preserve the natural landscape, including avoiding impacts to critical areas and minimizing clearing of vegetation.

SMP-P56 Ensure utilities in shoreline jurisdiction do not adversely affect water quality or prevent public use of the shoreline area.

16. Existing Development

SMP-P57 Allow legal pre-existing uses and structures to continue in accordance with this SMP.

SMP-P58 Allow alterations of legal pre-existing structures, uses, and lots in consideration of: a) historic development patterns, or b) occupation by preferred uses pursuant to Policy SMP-P1, or c) provision of ecological restoration, or d) public safety or other public purposes.

SMP-P59 Encourage transitions from non-water-oriented uses to water-oriented uses.

SMP-P60 Allow for legal pre-existing structures to expand when they do not increase inconsistencies with the SMP requirements.

SMP-P61 Consider the no-net-loss of ecological function objective to guide review of proposed expansions or other changes to legal pre-existing uses and new development on legal vacant lots. This objective may be addressed in an areawide manner consistent with the SMP cumulative impacts analysis.

E. Economic Development Element

SMP-G6 To encourage appropriate economic activity and provide both public access to the shoreline and continued maintenance of the tax base while respecting the natural environment and preserving or enhancing public access to the shoreline.

SMP-G7 To provide for and encourage economic activity and development of water-dependent uses and/or water-related uses in appropriate shoreline locations, which take into consideration the capacities of the area's natural resources, public services, and public facilities.

SMP-G8 To concentrate economic development activities that are water-oriented or water-dependent on shoreline locations containing suitable infrastructure and similar economic pursuits.

1. General Economic Policies

- SMP-P62 Implement the multiple use concept consistent with the *Imagine Bothell... Comprehensive Plan's* land use designations and urban design criteria so that public purposes can be served in a way that is compatible with securing a return on private investment.
- SMP-P63 Ensure upland uses designated by the *Imagine Bothell... Comprehensive Plan* on adjacent lands outside of immediate shoreline jurisdiction (in accordance with RCW 90.58.340) are consistent with the purpose and intent of the SMP as they affect the shoreline.
- SMP-P64 Explore ways in which economic activity areas might benefit and link to Bothell shorelines.
- SMP-P65 Develop a priority system which gives preference to economic activities which either leave natural shoreline features such as indigenous trees, shrubs, grasses and wildlife habitat unmodified, or which modify them in a way which enhances ecological functions and human awareness and appreciation of the river's or stream's beauty and relation to other natural and non-natural surroundings.
- SMP-P66 Give preference to water-oriented economic activities in areas where limited commercial development space along shorelines is in demand for a number of competing uses.
- SMP-P67 Develop a program and regulations to encourage the location of water-oriented economic activity uses within Bothell shorelines.

2. Commercial Development

- SMP-P68 Assure that commercial structures and site developments comply with design criteria and policies contained in the City's *Imagine Bothell... Comprehensive Plan* and adopted development regulations.
- SMP-P69 When considering use environment amendments, determine whether commercial development is feasible within or contiguous to existing commercial areas before locating in undeveloped areas.
- SMP-P70 New commercial development that is not water-oriented should be discouraged in shoreline jurisdiction unless such development provides a significant public benefit, such as public access or ecological restoration, or if the site is physically separated from the shoreline by another property or public right-of-way.
- SMP-P71 Commercial use of the shoreline should be designed to avoid environmental impacts and prevent loss of shoreline ecological function.

3. Industry

- SMP-P72 Assure that industrial structures and site developments comply with design criteria and policies contained in the City's *Imagine Bothell... Comprehensive Plan* and adopted development regulations.
- SMP-P73 New industrial development should be located within or contiguous to existing industrial areas before locating in undeveloped areas.
- SMP-P74 New industrial development that is not water-oriented should be discouraged in shoreline jurisdiction unless such development provides a significant public benefit, such as public access or ecological restoration, or if the site is physically separated from the shoreline by another property or public right-of-way.

- SMP-P75 Design industrial use of the shoreline to avoid environmental impacts and prevent loss of shoreline ecological function.
- SMP-P76 Ensure industrial development provides public access to the shoreline where it can be done safely and without interfering with operation of the use.

F. Public Access Element

- SMP-G9 To provide public access, both physical and visual, to the shorelines as part of a total system, consistent with the *Imagine Bothell... Comprehensive Plan*, the Parks, Recreation and Open Space Action Program, the needs of other shoreline uses, and to preserve ecological functions.
- SMP-G10 To ensure that the creation of public access will not endanger natural features or contribute to a loss of ecological functions.
- SMP-G11 To provide a comprehensive system of physical, visual and cultural access to Bothell's shorelines.
- SMP-P77 Provide public access, physical and visual, in the shoreline jurisdiction in association with the following uses: developments with 5 or more dwelling units; commercial development; industrial development; and public agency development. Ensure public access is consistent with the *Imagine Bothell... Comprehensive Plan* and Bothell's Parks, Recreation and Open Space Action Program.
- SMP-P78 Ensure that development occurring on properties which front both the Sammamish River and lands frequented by the public (for example, street, pedestrian path, recreation or park area or lands containing large numbers of residents) provide visual access in the form of view corridors, wherein buildings are excluded to provide visual access to and from the River in line with the reasonable needs for privacy, property rights, and security.
- SMP-P79 Continue acquisition of land for the public along the Sammamish River in concert with the City's Parks, Recreation, and Open Space Action Program to preserve a visual corridor, increase parklands, enhance shoreline ecological functions, and expand trail linkages.
- SMP-P80 Encourage footbridges in areas where opposite banks of the Sammamish River; North Creek, or Swamp Creek have compatible uses and/or related economic activities or recreational uses, or any combination of the two subject to the permission of all properties and agencies (including, but not limited to, the U.S. Army Corp of Engineers; the State Department of Natural Resources, Department of Ecology, Department of Fish and Wildlife; and King or Snohomish County).
- SMP-P81 Expand the number of safe pedestrian linkages between the Downtown/Main Street retail activity area and the riverfront activity area.
- SMP-P82 Utilize as many existing public rights-of-way and easements as possible to expand the network of public access to shoreline amenities. Efforts to vacate these types of rights-of-way, should be discouraged unless equivalent or improved public access is provided in



exchange and should only be allowed in strict compliance with applicable Bothell Municipal Code provisions for vacation of public rights-of-way.

- SMP-P83 Discourage public access that damages the shoreline's natural features on either private or public property.
- SMP-P84 Public Access can be provided in many forms including physical or visual access.

G. Recreation Element

- SMP-G12 To provide substantial recreational opportunities for the public in the shoreline area.
- SMP-P85 Give priority to shoreline recreational development in order to provide access, use, and enjoyment of Bothell's shorelines.
- SMP-P86 In providing space for public recreation along Bothell's shorelines, give primary emphasis to providing for the local recreation needs of Bothell citizens for boating, kayaking, canoeing, swimming, bicycling, fishing, picnicking, and other activities benefiting from shoreline access as well as retaining and expanding regional trail systems.
- SMP-P87 Continue to work with neighboring jurisdictions and other governments to support local and regional opportunities for public recreation, shoreline access and use.
- SMP-P88 Develop recreational activity areas in a manner which complements commercial and residential uses and/or natural habitats.

SMP-P89 Ensure provision of recreational space and uses is coordinated and consistent with the City's *Imagine Bothell... Comprehensive Plan* and the Parks, Recreation and Open Space Action Program (PROSAP).



SMP-P90 Identify unique shoreline features (views, topography, vegetation, wildlife, etc.) and assign acquisition and preservation priorities for each feature. Assure recreational facilities are developed in a manner consistent with the use environment and shoreline ecological functions.

SMP-P91 Utilize the physical characteristics of Bothell's shorelines to guide the type of plant materials and landscaping of public recreation land. Use indigenous trees, shrubs and grasses, which thrive in that environment, require minimum maintenance, and provide cover, shading, and habitat along the shoreline.

SMP-P92 Encourage the continued operation of the Wayne Golf Course as a shoreline recreation use. This facility was originally constructed in c.1939 and has been operated by the same family since 1950. The City of Bothell acquired the development rights to the "front nine" of the Golf

Course in 1998 with the objective of continuing the front nine as a public golf course. Expansion and/or alteration of the existing golf course should be allowed consistent with the following:

- A. Any expansion and/or alteration results in no net loss of ecological functions;
- B. The special features of a waterfront golf course are recognized and accommodated; and
- C. Maintenance procedures consistent with this SMP are developed.

SMP-P93 Utilize shoreline characteristics to guide the design of new recreation facilities installed within shoreline areas including:

- A. Install groves of indigenous trees appropriate to the soil and moisture characteristics of the former floodplain;
- B. Consider kayak or canoe launching facilities that take into account currents and stream-bank characteristics to maximum advantage;
- C. Develop public access to habitat areas without excessive intrusion into those habitats; and
- D. Assure that recreation areas are located where they make optimum use of water for recreation purposes.

H. Circulation Element

SMP-G13 To plan and develop a circulation network which is compatible with the shoreline environment.

SMP-G14 To design circulation facilities to meet the following criteria:

- A. Minimal disruption of public access to shoreline areas and retention of current public access;
- B. Provide for no net loss of existing ecological systems and the physical characteristics of shorelines;
- C. Complementary to the economic and recreational usage of shorelines as set forth in the SMP and the *Imagine Bothell... Comprehensive Plan*.



SMP-G15 To encourage relocation or improvement of those circulation elements that is functionally or aesthetically disruptive to the shoreline, public waterfront access, and ecological functions.

SMP-P94 Discourage impervious areas such as parking lots within the 100-year floodplain or floodway, and promote designs to enhance the shoreline's aesthetic potential, and to minimize degradation of water quality.

SMP-P95 Allow parking facilities within shoreline jurisdiction only to support an authorized use.

SMP-P96 Where possible, locate land circulation systems as far from the shoreline as feasible to reduce interference with natural shoreline resources or appropriate shoreline uses.

SMP-P97 Ensure access to shoreline areas is consistent with widely adopted street, sidewalk and pathway engineering standards, and is an integral feature of all circulation improvements within shoreline jurisdiction. When consistent and compatible with the City's *Imagine Bothell... Comprehensive Plan* Transportation Element and Parks and Recreation Element, encourage multiple-transportation mode corridors.

I. Conservation Element

SMP-G16 To preserve, enhance, and/or restore natural resources which make Bothell shorelines uniquely attractive and valuable to a large, regional ecosystem.

SMP-G17 To protect the scenic and aesthetic qualities of shorelines to the fullest extent practicable and implement restoration to achieve no net loss of ecological functions.

1. Environmental Protection

SMP-P98 Protect shoreline processes and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within shoreline jurisdiction, and incentives to private property owners to encourage ecologically sound design.

SMP-P99 Work with other jurisdictional agencies in the region and with the private sector to deal effectively with regional and watershed-wide natural environment issues and the protection, preservation, and enhancement of all shorelines as fish and wildlife habitat.

SMP-P100 Enhance and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while maintaining designated uses of the shoreline.



2. Critical Areas

SMP-P101 Conserve and protect critical areas within shoreline jurisdiction from loss or degradation.

SMP-P102 Locate and design public access within and adjacent to critical areas to ensure that ecological functions are not adversely impacted.

Wetlands

SMP-P103 Protect and manage shoreline-associated wetlands, including maintenance of sufficient volumes of surface and subsurface drainage into wetlands, to sustain existing vegetation and wildlife habitat.

Fish and Wildlife Habitat Conservation Areas

SMP-P104 Protect and restore critical freshwater habitat and other areas that provide habitat for endangered, threatened or sensitive fish and wildlife species.

Geologically Hazardous Areas

SMP-P105 Manage development to avoid erosion and adverse water quality impacts to shoreline waterbodies, as well as to avoid risk and damage to property and loss of life from hazardous geological conditions.

Frequently Flooded Areas

SMP-P106 Limit new development in floodplains.

SMP-P107 Regulate development within the 100-year floodplain to avoid adverse impacts to shoreline ecological functions and to avoid risk and damage to property and loss of life.

Channel Migration Zones

SMP-P108 Recognize that geologic conditions, topography, existing development, constructed levees, and some areas of armoring will limit channel migration in most reaches of Bothell's shorelines. In reaches where channel migration is possible, such as along North Creek at Centennial Park and the University of Washington Bothell campus, limit development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements or result in a net loss of ecological functions associated with the shoreline waterbody.

3. Shoreline Vegetation Conservation

SMP-P109 As appropriate, ensure new and existing shoreline development and restoration activities protect, preserve, and/or restore large portions of a site's vegetative cover within Bothell shoreline jurisdiction for its habitat, aesthetic and recreational values. Select and encourage retention of plant material which provides food and cover for birds, fish, and other wildlife. The introduction of invasive plant species in shoreline jurisdiction is prohibited.

SMP-P110 Minimize tree clearing and thinning activities in shoreline jurisdiction and require mitigation for trees that are removed.

4. Water Quality, Stormwater, and Nonpoint Pollution

SMP-P111 Protect and preserve water quality in the Sammamish River, North Creek, and Swamp Creek, and take actions to ensure no net increase in pollutant loads and water quality degradation as these water bodies pass through the City of Bothell. Ensure shoreline development complies with stormwater regulations such as those implemented to meet NPDES Phase II requirements.

SMP-P112 Stormwater outfalls to shorelines or other waterbodies must be designed so that they are not aesthetically detrimental to their surroundings. Installation or retention of native vegetation and restoration of all disturbed areas is necessary.

SMP-P113 Stormwater outfalls must be set back from the water's edge and discharged onto appropriate materials such as rocks, logs, and other materials to mimic the appearance of a natural-looking creek flowing into the waterbody.

SMP-P114 Manage stormwater quantity to ensure protection of natural hydrology patterns and avoid or minimize impacts to streams and shoreline waterbodies.

SMP-P115 Promote public education efforts to protect and improve water quality such as through the City's stormwater education program.

J. Historic / Cultural / Scientific / Educational Element

- SMP-G18 To protect, preserve, or restore those buildings, sites, and areas of shoreline having historic, cultural, scientific, or educational values or significance.
- SMP-P116 Identify, within the City's Inventory of Historic Resources and in accordance with federal, state, and local designation criteria, and the goals and policies of the *Imagine Bothell... Comprehensive Plan*, all sites and areas of shoreline having unique historical, cultural, scientific, or educational value or significance, especially archaeological resources such as Native American sites in river and stream corridors.
- SMP-P117 Ensure the use regulations of the SMP contains development regulations as necessary to encourage a compatible surrounding environment for resources identified in accordance with the Policy above, and to ensure planning for the preservation of significant archaeological resources, especially Native American sites in river and stream corridors.
- SMP-P118 Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Washington State Department of Archaeology and Historic Preservation or that have been inadvertently uncovered.
- SMP-P119 Plan and carry out any proposed site development and/or associated site demolition work to avoid impacts to the cultural resource or to provide appropriate mitigation. Impacts to neighboring properties and other shoreline uses should be limited to temporary or reasonable levels. If development or demolition is proposed adjacent to an identified historic, cultural or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological site.

K. Flood Hazard Management Element

Flood hazard management projects are those actions taken with the primary purpose of preventing or mitigating damage due to flooding. Flood hazard management projects or programs may employ any or several physical or regulatory controls including dams, lakes, engineered floodways, bioengineering, planning, and zoning (i.e. land use management). These provisions also apply to repair and maintenance of flood hazard management systems if the systems are enlarged or otherwise modified.

- SMP-G19 To manage new and existing development in floodplains consistent with Federal Emergency Management Agency (FEMA) standards.
- SMP-P120 Manage development proposed within floodplains and floodways through the City's frequently flooded area regulations consistent with the SMA, the Critical Areas Regulations contained within this SMP, the FEMA standards, and the remaining sections of the City's SMP.
- SMP-P121 Work with other cities, King and Snohomish Counties, and state and federal agencies to deal effectively with regional flooding issues.
- SMP-P122 Control stormwater runoff in a manner consistent with Low Impact Development practices which utilize natural detention, retention and recharge techniques to the maximum extent possible.
- SMP-P123 Prohibit any development within the floodplain which would individually or cumulatively cause any increase in the base flood elevation beyond FEMA standards.

SMP-P124 Encourage acquisition of properties that have experienced repetitive loss or that are valuable to acquire due to the potential for ecological restoration.

L. Restoration Element

SMP-G20 To protect and restore the natural resources and ecological functions of the shoreline, including wildlife habitat, fisheries and other aquatic life, natural hydrologic processes, and shoreline vegetation consistent with the planned uses of the shorelines. Ensure no net loss of shoreline ecological functions.



SMP-G21 To upgrade shoreline ecological functions and aesthetics to a level commensurate with their importance to the community and to achievement of regional goals for species and habitat recovery.

SMP-G22 To implement the projects, programs and plans established within the SMP Shoreline Restoration Plan as funding and staffing resources permit.

SMP-G23 To protect, conserve and establish indigenous vegetation along shoreline areas.

SMP-P125 Develop zoning and other incentives which will make it economically attractive for private capital investment to enhance ecological functions as part of shoreline development. Examples of incentives include provisions which permit development to locate closer to shoreline waterbodies in exchange for specific enhancements that improve ecological functions to buffers or wetlands, and allowing clustering of development away from shoreline areas in exchange for reduced lot sizes, or other economic incentives that encourage improvements to existing ecological conditions.

SMP-P126 Develop and implement a Shoreline Restoration Plan that contains goals, policies and prioritized actions for restoration of impaired shoreline ecological functions.

SMP-P127 Use all available techniques, including utilization of the City's capital improvement program, pursuit of grant funding, and mobilization of community volunteers, to implement the SMP's Shoreline Restoration Plan.

SMP-P128 Work with the public and any other interested parties to investigate and identify any environmentally sensitive areas within shoreline jurisdiction which are deserving of public reclamation, restoration, or preservation and inclusion within the City's open space system.

M. Shoreline Process and Administration Element

SMP-G24 To provide a process to update the SMP consistent with the update schedule of the SMA.

SMP-P129 Within shoreline jurisdiction, in cases where a conflict occurs between the provisions contained within the SMP and other titles of the Bothell Municipal Code, including but not limited to, zoning regulations, subdivision regulations, surface water requirements, design and construction standards, and building codes, the provisions of the SMP should prevail.

SMP-P130 When assigning environment designations and determining permitted uses within the different designations and use categories, the City shall consider the ability of the landscape to accommodate planned uses.

- SMP-P131 Encourage citizen participation in the implementation of this SMP.
- SMP-P132 Protect property rights of landowners from arbitrary and discriminatory actions.
- SMP-P133 Develop administrative procedures which will help the applicant, the City, and other interested parties reach a quick and accurate assessment of a proposed development.
- SMP-P134 Review of referred related permits (e.g., U.S. Army Corps of Engineers permits) shall be considered using the criteria set forth herein.
- SMP-P135 Reconcile conflicting public policy goals by considering the overall needs of the community including public access, infrastructure requirements, utility corridor alignments and facilities, and natural resource protection.
- SMP-P136 Implement shoreline improvements annually through the City's Capital Facilities Element and Capital Investment Program processes.