

**CITY OF SNOQUALMIE
SHORELINE MASTER PROGRAM
AMENDATORY HISTORY**

(11/3/93 Version of WAC)

173-19-2523 SNOQUALMIE, CITY OF.

SMP. City of Snoqualmie master program approved August 16, 1974.

1. Revision approved December 16, 1986.
2. Revision approved August 18, 1992.

AMENDATORY HISTORY

Statutory Authority: RCW 90.58.200.

92-09-132 (Order 92-22), § 173-19-2523, filed 8/18/92, effective 9/18/92.

2. Revision approved August 18, 1992.

Statutory Authority: RCW 90.58.120 and 90.58.200.

87-01-060 (Order 86-35), § 173-19-2523, filed 12/16/86.

1. Revision approved December 16, 1986.

Statutory Authority: RCW 90.58.030 (3)(c), 90.58.120 and 90.58.200.

80-02-123 (Order DE 79-34), § 173-19-2523, filed 1/30/80.

No Amendatory Action Identified.

CITY OF SNOQUALMIE

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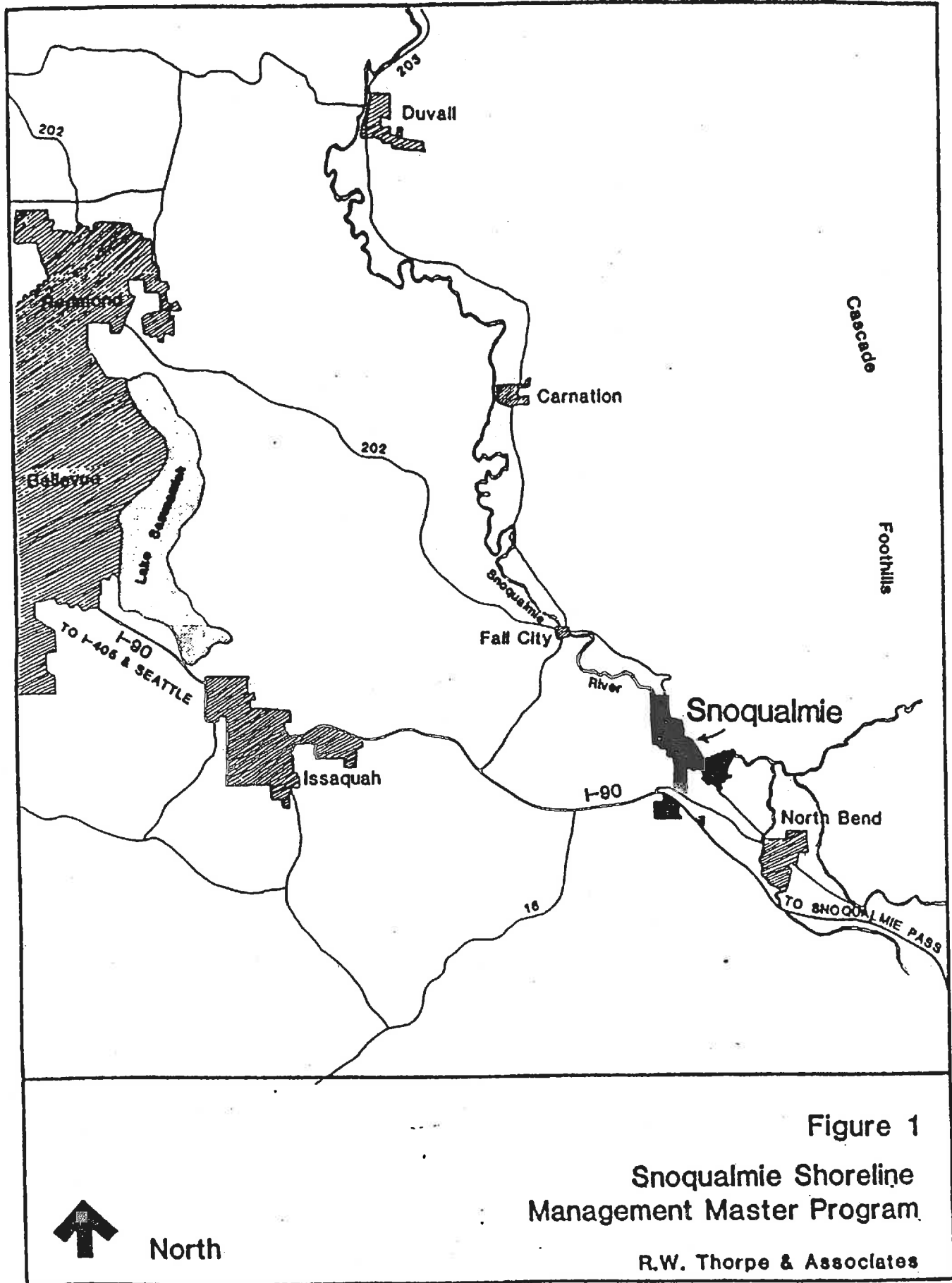
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SNOQUALMIE SHORELINE MANAGEMENT MASTER PROGRAM

INTRODUCTION

The Snoqualmie River is one boundary of the City of Snoqualmie. This portion of the river system is characterized by broad meanders and cut-off meanders. During the history of the City of Snoqualmie, there have been two significant floods, in November and December 1959. The Corps of Engineers Study of Special Flood Hazards dated 1971, reports that two other floods classified as major floods did not put water inside the limits of the City of Snoqualmie; lower elevations within the city have experienced annual flooding in recent years.

Land use along the river is primarily single family residential, located on small platted lots. Residential uses also include a small trailer court west of the Meadowbrook Bridge. A major portion of the river frontage northeast of the plat of Meadowbrook is undeveloped. The river is crossed by a County Road at Meadowbrook, by the railroad bridge located approximately 0.6 mile northerly along S.R. 202 from City Hall and by a foot bridge located near Snoqualmie Falls and which is used by Puget Sound Power and Light Company plant operators.

In addition to the residential uses, the city's shoreline is occupied by a water utility pumphouse, Sandy Cove Point and Riverview Parks and commercial uses near the north end of the developed portion of the business district.

The 1982 annexation brought the power generation facilities at Snoqualmie Falls into the City together with two restaurants and the Snoqualmie Falls interpretive center and park.

The corridor strip park, linking the original town site to this newly annexed area, has been funded and is currently in the design stage. An

element of this project is the development of a pedestrian park along Kimball Creek, the other significant waterway in the City.

UPDATING PROCEDURES

The Planning Commission and the City Council shall review the Shorelines Management Master Program at least once every three (3) years and shall submit any proposed adjustments to the Washington State Department of Ecology for approval. Any amendments to the Shorelines Management Master Program may be initiated by following the same procedures used for amending any of the City's ordinances.

SHORELINES OF STATE-WIDE SIGNIFICANCE

The Shoreline Management Master Program Act of 1971 designates certain shorelines as shorelines of state-wide significance. Shorelines thus designated are important to the entire state. Snoqualmie's portion of the Snoqualmie River has been so designated (~~as has Kimball Creek from its confluence with Coal Creek to its mouth at Snoqualmie River~~). Because these ^{this} shorelines ~~are~~ ^{is a} major resources from which all people in the state derive benefit, the guidelines and Shorelines Management Master Program of the City of Snoqualmie must give preference to uses which favor public and long-range goals.

Accordingly, the Act established that local master programs shall give preference to uses which meet the principles outlined below in order of preference.

1. Recognize and protect the state-wide interest ~~as well as~~ ^{over} local interest.
2. Preserve the natural character of the shoreline.
3. Result in long-term over short-term benefit.
4. Protect the resources and ecology of the shorelines.
5. Increase public access to publicly owned areas of the shorelines.
6. Increase recreational opportunities for the public on the shorelines.

REQUIREMENTS OF THE SHORELINE MANAGEMENT MASTER PROGRAM

Under the Act, local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements of the Act with the Department of Ecology acting in a supportive and review capacity. As set forth in the provisions of the Act, local governments must fulfill the following basic requirements:

1. Administration of a shoreline permit system for proposed substantial development of wetlands of designated water bodies.
2. Compilation of a comprehensive inventory which includes a survey of natural characteristics, present land uses, and patterns of ownership.
3. Development of a master program to provide an objective guide for regulating the use of shorelines.

COMPLIANCE IN SNOQUALMIE

In November of 1973, the City of Snoqualmie established a permit system in compliance with the first requirement of the Act. Under this system, a permit must be obtained for substantial development proposed within 200 ^{the floodplain} feet of the Snoqualmie River, within the City limits of Snoqualmie.

Substantial development, means any development which requires a shoreline management substantial development permit, as defined in R.C.W. 90.58.030 (3)(E) as now or hereafter amended.

The following are general exceptions to ^{substantial development} the permits requirement:

1. Development for which the fair market value is less than ^{two} ~~one~~ thousand five ^{2,500} ~~(\$1,000)~~ dollars.
2. Docks or piers for which the fair market value is less than two thousand five hundred (\$2,500) dollars.
3. Normal maintenance or repair or existing structures.
4. Construction of the normal protective bulkhead common to single family residences.
5. Emergency construction necessary to protect property from damage by the elements.

However, any development which occurs within the City's shorelines as defined by the Act, whether it requires a permit or not, must be considered with the intent of the law. Under Snoqualmie's Shoreline Permit System, administrative responsibility lies with the Administrator of the Act, with the procedure for obtaining permits outlined in the (Shoreline-Permit Program) Administrative Regulations.

In compliance with the second requirement of the Act, the City of Snoqualmie, with the input of local citizens, developed its Shoreline Management Master Program to serve as a guide for regulating uses of the City's shorelines along the Snoqualmie River and Kimball Creek.

This report includes a description of the process used in developing the Shoreline Management Master Program and it presents the findings of the process in terms of goals, objectives, policies, environments, use regulations, and provisions for variances, conditional uses, and updating the Shoreline Management Master Program.

CITIZEN INVOLVEMENT

The City of Snoqualmie, at the time the Shoreline Management Master Program was being developed, had a population of approximately 1,275. A Citizens Advisory Committee was appointed by Mayor Charles S. Peterson. The Committee members were from representative groups of the City and served without remuneration.

The Committee held a series of publicized meetings to acquaint itself with the requirements of the Shoreline Management Master Program and other background material. All meetings were open to the public and notices were posted in three public places in the City.

Below are listed the dates that the original Committee met concerning the Shoreline Management Master Program:

Dates:

March 11, 1974

March 19, 1974

March 26, 1974

April 3, 1974

April 16, 1974

April 23, 1974

April 30, 1974

May 7, 1974

Early in 1984, the City became aware that shorelines which had been brought within the City by recent annexations, had not been redesignated in accordance with City policies. No updating or review of the original Shoreline Management Master Program had been undertaken since D.O.E. approved the original in August of 1974. To put these matters in order, Mayor Darwin Sukut appointed a five-member Citizen Advisory Committee, which was first assembled at the April 16, 1984 meeting of the City of Snoqualmie Planning Commission. The committee meetings were open to the public and the May 8, 1984 meeting was announced in the local newspapers and posted one week prior to convening.

Below are listed the dates the Committee met with the purpose of updating the Snoqualmie Shoreline Management Master Program and a list of Committee members; members of the original Committee are shown with an asterisk.

DatesCommittee Members

April 24, 1984

*Joe Lyons, Chair

May 1, 1984

*Jeannie Hanson

May 8, 1984

*Gordon Mayrand

May 22, 1984

Pat Drake

Harry Curnutt

At the May 8, 1984 meeting, the Committee adopted the following purpose and goals:

"The Shoreline Management Master Program is intended to be a starting

point from which normal future development can be carried on in an orderly ecologically compatible manner for the enjoyment of all present and future residents of the City of Snoqualmie." (Quoted from the original introduction to the Snoqualmie Shoreline Management Master Program).

- I. To update the Shoreline Management Master Program to include areas annexed to the City of Snoqualmie since the original plan was written in 1974.
- II. To consider any necessary amendments to the Shoreline Management Master Program and to update certain portions of the original Plan to agree with present definitions included in King County and State of Washington usage.

A final Public Hearing to obtain comments on the proposed amendment to the Snoqualmie Shoreline Management Master Program was held at City Hall October 15, 1984.

SHORELINE MANAGEMENT MASTER PROGRAM GOAL

The City of Snoqualmie, by establishing its Master Program, is striving to regulate future development as it affects the shoreline area and to ensure that the private sector's right to develop does not infringe upon the public's right to enjoy and utilize the shorelines of the City.

By ensuring that development on the shorelines is compatible with the physical limitations and qualities of the natural environment, the interest of both local and state peoples will be served.

OBJECTIVES AND POLICIES

The citizens, administration, and governmental officials of the City of Snoqualmie have established the following objectives and policies for the eight (8) elements of the Snoqualmie Shoreline Management Master Program:

ECONOMIC DEVELOPMENT

This is an element for the location and design of industries, transportation facilities, tourist facilities, commercial and other

developments that are particularly dependent on shoreline locations.

OBJECTIVES: Development of the shorelines shall be limited to uses which are oriented to a shoreline location, and are compatible with a natural shoreline environment.

conditional uses and variances

Policy 1: All permits for substantial development shall be reviewed by the City to ensure that they do not conflict with local and state goals.

Policy 2: Over-the-water structures on the shorelines shall be prohibited unless clearly demonstrated that such structure is needed to protect or promote the public interest.

Policy 3: Shoreline developments shall be designed to enhance the scenic views and amenities of the City's waterfront.

Policy 4: Auxiliary facilities of a shoreline use, such as parking lots shall be encouraged to be located away from the immediate water's edge.

OBJECTIVE: Priority shall be given to economic developments dependent on Shorelines locations ~~rather than~~ ^{as} economic developments, ~~not so~~ ^{that are} dependent.

PUBLIC ACCESS ELEMENT

The public access element is for assessing the need for providing public access to shoreline areas.

OBJECTIVE: Any existing or created public access points shall be chosen to enhance those natural and ecological systems on the waterways.

Policy 1: Publicly owned shoreline areas shall be provided with public access to the waters edge where feasible.

Policy 2: No property shall be acquired for public use without just compensation to the owner.

Policy 3: Parking spaces shall be provided to handle the designated public use of the access point and be designed to minimize impacts on the natural environment.

Policy 4: Access points shall be designed and screened to minimize objectionable impacts on the adjoining property.

OBJECTIVE: A continuous trail system along the shoreline shall be provided wherever feasible.

Policy 1: The shoreline trail system shall be designed so as to avoid conflict with private property rights and to minimize objectionable impacts on the adjoining property.

CIRCULATION ELEMENT

This is an element for assessing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public facilities and correlating those facilities with the shoreline use element.

OBJECTIVE: Circulation systems should only be developed as the projected needs of local and through traffic arise.

Policy 1: These circulation systems shall comply with the Comprehensive Plan and be compatible with the existing land use.

Policy 2: Future, as well as existing circulation systems, shall be developed to minimize, as much as possible, the effects that might occur to the natural features and the ecosystems within the shorelands.

Policy 3: Those circulation systems that will satisfy public needs and have a minimal effect on the natural environment shall be encouraged.

RECREATIONAL ELEMENT

This is an element for the preservation and expansion of recreational opportunities through programs of acquisition, development, and various means of less-than-fee acquisitions.

OBJECTIVE: Public recreational opportunities in the shoreline area shall be encouraged.

Policy 1: Recreational opportunities on the shoreline which attract people of all ages, health, family status, and financial ability shall be provided.

Policy 2: Preservation of open space, advantageous use of existing natural features and historic resources shall be encouraged as a part of the recreational program.

Policy 3: No property shall be acquired for public use without just compensation to the owner.

Policy 4: Any public development adjacent to private property shall be designed to protect the rights and privacy of the private property owners.

Policy 5: Recreational areas as significant elements of the landscape, shall be preserved and enhanced.

SHORELINE USE ELEMENT

This is an element for considering the pattern of distribution and location requirements of: a) land uses on shorelines and adjacent areas, including but not limited to, housing, commerce, industry, transportation, public buildings and utilities, agriculture, education, and natural resources; b) water uses, including, but not limited to, aquaculture, recreation and transportation.

According to the City of Snoqualmie Comprehensive Land Use Plan, the uses along the river are limited to residential (single and multi-family and mobile home park) commercial, public and quasi-public, and utility park.

OBJECTIVE: Land uses as set forth in the Comprehensive Plan shall be adhered to.

Policy 1: The best possible pattern of land and water uses that will be most beneficial to the natural and human environment shall be promoted.

- Policy 2: Non-water oriented uses and uses which would adversely affect the shoreline environment shall be minimized.
- Policy 3: Potential long term effects on the shoreline shall take precedence over short term economic gain or convenience in development.

CONSERVATION ELEMENT

The conservation element is for the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches, and other valuable natural or aesthetic features, except the use of ecologically compatible measures for the control of objectionable insects.

OBJECTIVE: Preserve and restore the natural resources of the shoreline.

- Policy 1: When appropriate, the natural flora shall be preserved or restored.
- Policy 2: The natural topography in undeveloped shorelines shall not be substantially altered without an approval plan that assures mitigation of impacts to these sensitive areas.

OBJECTIVE: Preserve and restore the natural state of the rivers for the protection of wildlife habitat, fishery resources, beaches, natural vegetation, and other fragile elements.

- Policy 1: Aquatic habitats, spawning grounds, and wildlife habitat shall be protected, improved, and if feasible, increased.

OBJECTIVE: Prevent deterioration of water quality and encourage water quality improvement.

- Policy 1: No additional untreated effluent or other pollutants shall be discharged into the rivers. (Without prior specific license by the City of Snoqualmie).

Policy 2: The City and other government agencies shall aggressively enforce all governmental water quality regulations.

HISTORICAL/CULTURAL ELEMENT

This is an element for protection and restoration of buildings, sites, and areas having historic, cultural, educational, or scientific values.

OBJECTIVE: Encourage the restoration, development, and interpretation of historical and cultural sites.

FLOOD CONTROL ELEMENT

This is an element for the location and design of flood control works on the shorelines, such as storm drainage outfall conduits, detention ponds and/or excavations to provide additional flood storage.

OBJECTIVE: Ensure future flood control works are in the public benefit.

Policy 1: Require an environmental assessment on any flood control project.

Policy 2: Flood control projects shall be designed to maximize open space elements which are not subject to extensive flood damage, such as parks and agriculture.

Policy 3: Flood control works shall be designed to minimize negative and maximize positive impacts on the natural environment and wildlife habitat.

Policy 4: Flood control works shall be designed so as to minimize harsh, unnatural appearances.

ENVIRONMENTS

The Washington State Department of Ecology has developed a system of categorizing shoreline areas which is designed to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Based on existing development patterns, the biophysical

capabilities and limitations of the shoreline being considered for development, and the goals and aspirations of the local citizenry, the Department has recommended a system of classification into four distinct environments: Natural, Conservancy, Rural and Urban; the Shoreline Management Master Program Handbook dated September, 1983 gives examples of additional options such as Suburban or Rural Residential and Aquatic. This system, in effect, encourages uses in each environment which enhance the character of that environment.

The NATURAL ENVIRONMENT is intended to preserve and restore those natural resource systems existing relatively free of human influence and those shoreline areas possessing either natural characteristics intolerant of human use or unique historical, cultural or educational features. These systems require severe restrictions on the intensities and types of uses permitted so as to maintain the integrity of the shoreline environment.

The CONSERVANCY ENVIRONMENT is to protect, conserve and manage existing natural resources and valuable historic and cultural areas, including the natural systems of swamps, bogs, marshes, and unstable riverbanks. Preferred uses are those which are non-consumptive of physical and biological resources. It shall be the policy of the City of Snoqualmie to designate Conservancy Environments within its limits and to encourage such non-consumptive uses as those which can utilize resources on a sustained yield basis, while minimally reducing opportunities for other future uses of resources in the area.

The RURAL ENVIRONMENT is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

The objective of the URBAN ENVIRONMENT is to ensure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a

variety of uses. The URBAN ENVIRONMENT is an area of high intensity land use including residential, commercial and industrial development.

Snoqualmie's Shoreline Management Master Program establishes the following four shoreline environments and the uses permitted therein, in accordance with the Shoreline Management Act of 1971, ^{Chapter} ~~(R.C.W.)~~ 90.58 ^{RCW} and the State Department of Ecology Final Guidelines, ^{WAC} ~~Chapter~~ 173-16-040 (4) ~~(W.A.C.)~~

NATURAL ENVIRONMENT

The Natural Environment designation is established on both banks of the Snoqualmie River from a point (or) 300 feet downstream of the crest of the Snoqualmie Falls to the northerly City limits. within two hundred feet of the ordinary high water mark.

CONSERVANCY ENVIRONMENT

~~The Conservancy Environment shall be defined as both banks of Kimball Creek from the confluence at Coal Creek downstream to its mouth at the Snoqualmie River and the southwesterly bank of the Snoqualmie River from Bruce Street, extended to a point 300 feet downstream from the crest of the Snoqualmie Falls, within two hundred feet of the ordinary high water mark.~~

new
text
adopted
4/21/92
→

URBAN RIVERFRONT ENVIRONMENT

The objective of Urban Riverfront Environment is to ensure optimum utilization by providing as much intensive public use as is possible within the guidelines as set forth in the City of Snoqualmie's Shoreline Management Master Program and the underlying ordinances.

This environment is defined as the areas within 200 feet of the ^{ordinary} ~~normal~~ high water mark on the south bank of the Snoqualmie River from the easterly city limit to Bruce Street extended and the northerly bank of the Snoqualmie River, lying within the city limits, from the SR 202 bridge crossing to a point 300 feet downstream from the crest of the Snoqualmie Falls.

URBAN FLOODPLAIN ENVIRONMENT

The Urban Floodplain Environment is an area of high-intensity land-use including residential, ^{and} commercial (and ~~industrial~~) development. All future developments within this designation shall conform to the Regulations set

feet of the ordinary high water mark and the Snoqualmie River immediately adjacent as Conservancy Environment, now, therefore, be it

ORDAINED as follows:

Section 1. Snoqualmie Municipal Code section 19.08.060(B) and the text of that section of the Snoqualmie Shoreline Management Master Program at page 13 entitled "Conservancy Environment" are each hereby amended to read as follows:

Conservancy Environment. The Conservancy Environment shall be that area along both banks of Kimball Creek, within two hundred feet of the ordinary high water mark, from the confluence at Coal Creek downstream to its mouth at the Snoqualmie River; the southwesterly bank of the Snoqualmie River, within two hundred feet of the ordinary high water mark, from Bruce Street to a point three hundred feet downstream from the crest of the Snoqualmie Falls; and that area along the north bank of the Snoqualmie River, within two hundred feet of the ordinary high water mark, east from the SR-202 bridge crossing to the easterly corporate limit of the annexed property, approximately nine hundred and fifty feet upstream from the SR-202 bridge.

Section 2. The City Administrator is hereby directed to transmit forthwith a copy of this ordinance, duly certified as a true and correct copy, and supporting documents and testimony satisfying the requirements of WAC 173-19-062, to the Washington State Department of Ecology.

Section 3. This ordinance shall take effect from and after


Ordinance No. ____ - 3

ADOPTED BY:
WA STATE DEPARTMENT OF ECOLOGY

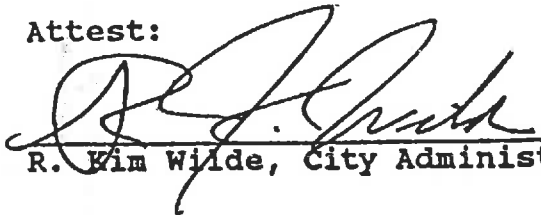
4/21/92

its passage, and the latter of the expiration of five days after its publication or thirty days after its approval by the Department of Ecology.

PASSED by the City Council of the City of Snoqualmie, Washington, this 10th day of February, 1991/2


Jeanne Hansen, Mayor

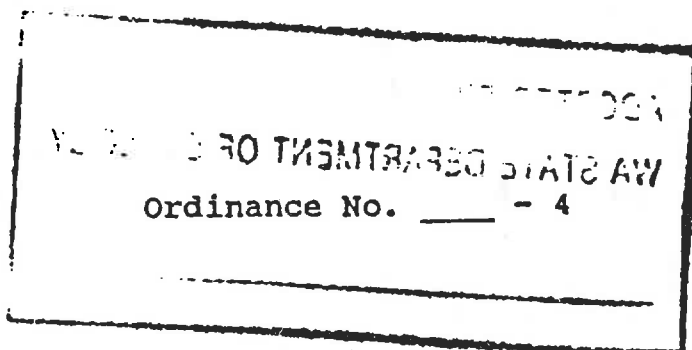
Attest:


R. Kim Wilde, City Administrator

W:\SNOQ\WTP\SHORELIN.AM2
(Rev. 2/4/92)

I hereby certify that this is a true copy of Ordinance / Resolution No. 680, passed by the City Council of the City of Snoqualmie, Washington, and approved by the Mayor of the City of Snoqualmie as hereon indicated.


Jennie L. New, CITY CLERK



forth in the City's Shoreline Management Master Program and underlying Ordinances, being fully cognizant of the stipulations for flood hazard design and construction standards.

The Urban Floodplain Environment consists of all land within the 100 year Flood Plain within the city limits that is not designated Urban Riverfront, Conservancy or Natural.

SHORELINE ENVIRONMENTS MAP

The Shorelines Environments as described herein are depicted on the Shoreline Environments Map which is attached hereto and made a part of this Shoreline Management Master Program.

ALLOWABLE USES WITHIN THE SHORELINE ENVIRONMENTS

The shoreline environments within the limits of the City of Snoqualmie has provisions for land uses appropriate to meet the objectives of each environment. These uses are listed below under the environment headings.

NATURAL ENVIRONMENT

1. Single family Residential (conditional use);
2. Parks (conditional use);
3. Open Space.

CONSERVANCY ENVIRONMENT

1. Single Family Residential (conditional use);
2. ~~(Multi-Family Residential-(conditional use);~~
- (3) Parks (conditional use);
- ~~(4)---Recreational-Vehicle-Parks--(conditional use);~~
- (5)3. Open Space.

URBAN RIVERFRONT ENVIRONMENT

1. Single Family Residential;
2. Multi-family Residential (conditional use);
3. Business and Commercial (conditional use);
4. Parks (conditional use);
5. Mobile Home Park (conditional use);
6. Open Space;
7. Landfill (conditional use);
8. Shoreline Protection (conditional use);
9. Roads and Railroads.

URBAN FLOODPLAIN ENVIRONMENT

1. Single Family Residential;
2. Multi-Family Residential;
3. Business and Commercial;
4. Offices;
5. ^{Outdoor advertising;}
~~(Manufacturing Park (conditional-use));~~
6. Mobile Home Parks;
7. Parks;
8. Open Space;
9. Landfill;
10. Roads and Railroads;
11. Recreation,

These uses are understood to be allowable when meeting the requirements of existing City of Snoqualmie Ordinances such as the Flood Hazard Ordinance, platting and subdivision regulations, the building and zoning codes, the policies and objectives of the Snoqualmie Vicinity Comprehensive Plan as well as provisions of the Snoqualmie Shoreline Management Master Program and the Shoreline Management Act.

HSE REGULATIONS

The following uses are deemed appropriate uses for shorelines in the City of Snoqualmie. Some of the performance standards are designated as mandatory requirements for the various use activities; others are regarded as supplementary conditions, desirable and in the public interest, but not requisite.

AGRICULTURE PRACTICES

For the purpose of the City of Snoqualmie Shoreline Management Master Program, Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization.

Agriculture is NOT APPLICABLE to the shoreline of the City of Snoqualmie, hence no regulations are necessary.

AQUACULTURE

For the purposes of the City of Snoqualmie Shoreline Management Master Program, Aquaculture is the culture or farming of food fish, shell fish, or other aquatic plants and animals.

Aquaculture is NOT APPLICABLE to the shoreline area of the City of

AL

Snoqualmie at this time, hence no regulations are necessary. However, should some future development make aquaculture practicable in the Valley, the guidelines of the Washington State Shorelines Management Act shall apply.

COMMERCIAL DEVELOPMENT

~~For the purposes of the City of Snoqualmie Shoreline Management Master Program, commercial developments are those which are involved in wholesale and retail trade or business activities.~~

~~COMMERCIAL DEVELOPMENT, WHEN PERMITTED BY THE ZONING ORDINANCE, SHALL BE PERMITTED WITHIN THE SHORELINE AREA ONLY WHEN THE FOLLOWING STANDARDS ARE MET:~~

- ~~1. Although many commercial developments benefit by a shoreline location, only those commercial developments which are particularly dependent upon their location on or use of the shorelines, will provide an opportunity for substantial numbers of people to enjoy the shorelines.~~
- ~~2. New commercial developments on shorelines shall be encouraged to locate in those areas where current commercial uses exist, but not closer than 200 feet of the river bank.~~
- ~~3. An assessment shall be made of the effect of a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people.~~
- ~~4. Parking facilities shall be placed inland away from the immediate water's edge and recreational beaches.~~

~~IN ADDITION TO THE ABOVE, THE ISSUANCE OF A PERMIT FOR COMMERCIAL DEVELOPMENT SHALL BE BASED UPON THE PROPOSALS GENERAL ADHERENCE TO THE FOLLOWING:~~

- ~~1. There shall be no disruption of trees or natural vegetation along the shoreline unless for public safety, scenic consideration, or public access.~~
 - ~~2. Over the water structures shall be prohibited unless clearly demonstrated that such structure is needed to protect or promote the public interest.~~
- X

COMMERCIAL DEVELOPMENT

For the purposes of the City of Snoqualmie Shoreline Management Master Program, commercial developments are those involving use or construction of facilities for wholesale or retail trade, services and business activities. These include hotels, motels, shops, restaurants and offices. Not included are manufacturing or residential uses. Associated signs, utilities and roadways are subject to policies and regulations established for those uses in addition to the provisions of this section.

Policies:

1. Commercial developments that provide opportunities for the public to enjoy the amenities of the shoreline should be encouraged to locate near the water. All other commercial developments should be encouraged to locate upland.
2. The location of commercial developments along shorelines should insure the protection of natural areas or systems having geological, ecological, biological or cultural significance.
3. New commercial developments on shorelines should be encourage to locate in those areas where current commercial uses exist.
4. New or expanded commercial developments on shorelines should be designed and located to protect and enhance public views of the water from upland properties and from public roads and walkways.
5. New or expanded commercial development should be aesthetically compatible with the surrounding area.
6. New or expanded commercial development should be permitted only where adequate parking area is or can be made available. Parking facilities should be placed inland away from the immediate water's edge and recreational shorelines.

Regulations:

1. Multiple use concepts including open space, recreation and open view areas shall be used in developing commercial areas. Features such as viewing sites, promenades, benches, shelters, areas for passive recreation and/or access easements shall be incorporated into new development.
2. Commercial development shall be located, designed, constructed and maintained to incorporate and preserve natural features of the shoreline environments.

3. Commercial structures shall be prohibited over the water except for recreational uses necessary to enhance public use of the waterfront.

4. On site parking shall be located landward of buildings and adequate road access shall be provided. Parking areas shall be located, designed and screened to have minimal visual impact. Design shall provide for storm water retention, and shall ensure that surface runoff does not pollute adjacent receiving waters or cause soil erosion.

5. There shall be no disruption of trees or natural vegetation along the shoreline unless for public safety, scenic consideration, public access, or the footprint of the new or expanded structure.

6. The height limit for new or expanded structures shall be thirty-five feet measured from average grade level, except that the ridge of pitched roofs on principal structures may extend up to five feet above the permitted height. Average grade level means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure.

7. The setback from ordinary high water mark for commercial structures except for recreational structures necessary to enhance public use of the waterfront shall be 100 feet, except where a stable bank greater than 25 feet high exists, the setback may be reduced to 75 feet.

FOREST MANAGEMENT PRACTICES

Forest Management Practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade which insulates the waters from detrimental temperature change and dissolved oxygen release. A stable water temperature and dissolved oxygen level provide a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water.

FOREST MANAGEMENT PRACTICES ARE NOT APPLICABLE TO THE CITY OF SNOQUALMIE, HENCE NO REGULATIONS ARE NECESSARY.

MARINAS

For the purpose of the City of Snoqualmie Shoreline Management Master Program, Marinas are facilities which provide boat launching storage, supplies and services for small pleasure craft.

MARINAS ARE NOT APPLICABLE TO THE SHORELINE AREA OF SNOQUALMIE, HENCE NO REGULATIONS ARE NECESSARY.

MINING

Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from the shoreline areas of Washington usually results in erosion of land and silting of water. These operations can create silt and kill bottom-living animals. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes.

MINING IS NOT APPLICABLE to the shoreline area of Snoqualmie, hence no regulations are necessary.

OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

For the purposes of the Snoqualmie Shoreline Management Master Program, signs are publicly-displayed boards whose purpose is to provide information, direction or advertising.

OUTDOOR ADVERTISING, WHEN PERMITTED BY THE ZONING ORDINANCE, SHALL BE PERMITTED WITHIN THE SHORELINE AREA ONLY WHEN THE FOLLOWING STANDARDS ARE MET:

1. Signs shall be designed and constructed in a manner which minimizes visual obstruction of the shoreline;
2. Normal road signs pointing out directions to recreational areas or points of interest will be permitted.
3. Size, height, density shall be controlled by the zoning ordinance.

RESIDENTIAL DEVELOPMENT

For the purposes of the Snoqualmie Shoreline Management Master Program, residential development includes any residential use ~~not specifically exempted from the Shoreline Management Act,~~ as well as the actual sub-division of land.

RESIDENTIAL DEVELOPMENT, WHEN PERMITTED BY THE ZONING ORDINANCE, SHALL BE PERMITTED WITHIN THE SHORELINE AREA ONLY WHEN THE FOLLOWING STANDARDS ARE MET:

1. Sub-divisions shall be designed at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.
2. Sub-divisions shall be designed so as to adequately protect the water and shorelines within the sub-division.
3. Sub-dividers shall be encouraged to provide public pedestrian access to the shoreline within the sub-division where feasible.
4. Residential development over the water shall not be permitted.
5. Residential developers shall be required to indicate how they plan to preserve shore vegetation and control erosion during construction.
6. Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities shall be separate, not combined with sewage disposal systems.
7. Adequate water supplies shall be available so that the ground water quality will not be endangered by excessive pumping.

UTILITIES

For the purposes of the Snoqualmie Shoreline Management Master Program, utilities are services which produce and carry electric power, gas, sewage, communications and oil. UTILITIES, WHEN PERMITTED BY THE ZONING ORDINANCE, SHALL BE PERMITTED WITHIN THE SHORELINE AREA ONLY WHEN THE FOLLOWING STANDARDS ARE MET:

1. Upon completion of installation/maintenance projects on shorelines, banks shall be restored to pre-project configuration, replanted with native species and provided maintenance until the newly planted vegetation is established.
2. Whenever these facilities must be placed in a shoreline area, the location shall be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities shall be placed underground, (except 115 kv or 230 kv transmission lines) or designed to reduce aesthetic impact on the shoreline area.
3. Local government shall attempt to secure public access to and along water bodies occupied by major utility corridors within shorelines of the City.
4. Utilities shall be located to meet the needs of future populations.

~~PORTS AND WATER-RELATED~~ INDUSTRY AND MANUFACTURING

For the purposes of the City of Snoqualmie Shoreline Management Master Program, ~~(ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms.)~~ industrial developments are facilities for processing/packaging, manufacturing or storage of finished or semi-finished goods.

~~PORT FACILITIES AND WATER-RELATED INDUSTRIES~~ ^{INDUSTRY AND MANUFACTURING USES} ARE PROHIBITED ON THE SHORELINES OF THE CITY OF SNOQUALMIE.

LANDFILL

For the purposes of the City of Snoqualmie Shoreline Management Master Program, landfill is the creation of dry upland areas by filling or depositing of sand, soil, gravel into a wetland area.

LANDFILL, WHEN PERMITTED BY THE ZONING ORDINANCE, SHALL BE PERMITTED WITHIN THE SHORELINE AREA ONLY WHEN THE FOLLOWING STANDARDS ARE MET:

1. Priority shall be given to landfills for water-dependent uses and for public uses.
2. Dredging for fill materials only is prohibited.
3. Fill material shall be of such quality that it will not cause problems of water quality.
4. Shoreline fills or cuts shall be designed and located so that significant damage to existing ecological values or natural resources, or alteration of local currents will not occur, creating a hazard to adjacent life, property and natural resource systems.
5. All provisions of the City's Flood Hazard Regulations are adhered to.

SOLID WASTE DISPOSAL

For the purposes of the City of Snoqualmie Shoreline Management Master Program, solid waste disposal is the collection, transportation, and disposal of untreated, non-biodegradable garbage.

SOLID WASTE DISPOSAL USES ARE ^{PROHIBITED} ~~(NOT-APPLICABLE)~~ WITHIN THE SHORELINES OF THE CITY OF SNOQUALMIE, HENCE NO REGULATIONS ARE NECESSARY.

DREDGING

For the purpose of the City of Snoqualmie Shoreline Management Master Program, dredging is the removal of earth from the bottom of the stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to sustain use of the bottom materials for land fill. Any dredging done in the river in the natural environment must comply with all existing permits and laws regulating such a use at the local, county, and state ^{and federal} levels.

SHORELINE PROTECTION

For the purposes of the City of Snoqualmie Shoreline Management Master Program, shoreline protections are those activities occurring within the

streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize stream banks.

SPECIFICATIONS:

1. Riprapping, channelization, and other methods of bank stabilization shall be controlled by the appropriate authorities.
2. Compliance with all existing laws and permits shall be required.
3. Where bank stabilization has occurred, the planting of ~~the~~ natural vegetation shall be encouraged.

ROAD AND RAILROAD DESIGN AND CONSTRUCTION

A road is a linear passageway, usually for motor vehicles, and a railroad is a surface linear passageway with tracks for train traffic. Their construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters.

ROAD AND RAILROAD CONSTRUCTION, WHEN PERMITTED BY THE ZONING ORDINANCE, SHALL BE PERMITTED WITHIN THE SHORELINE AREA ONLY WHEN THE FOLLOWING STANDARDS ARE MET:

1. Whenever feasible, major highways, freeways and railroads shall be located away from the shorelands, so that shoreland roads are reserved for slow-moving recreational traffic.
2. Roads located in wetland areas shall be designed and maintained to prevent erosion and to permit a natural movement of ground water.
3. All debris, overburden, and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into any water body.
4. Road locations shall be planned to fit the topography so that minimum alterations of natural conditions will be necessary.
5. Scenic corridors with public roadways shall have provisions for safe pedestrian and other non-motorized travel. Also, provision shall be made for sufficient view points, rest areas and picnic areas on public shorelines.
6. Extensive loops or spurs of old highways with high aesthetic quality

shall be kept in service as pleasure bypass route especially where main highways, paralleling the old highway, must carry large traffic volumes at high speeds.

7. Since land use and transportation facilities are so highly interrelated, the plans for each shall be coordinated.

PIERS

For the purpose of the City of Snoqualmie Shoreline Management Master Program, a pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes.

PIERS ARE NOT APPLICABLE TO THE SHORELINE AREA OF SNOQUALMIE. HENCE, NO REGULATIONS ARE NECESSARY.

ARCHAEOLOGICAL AREAS AND HISTORICAL SITES

For the purposes of the Snoqualmie Shoreline Management Master Program, the uses in this category consist of archaeological areas, old settlers homes, old trails and the like.

1. The National Historic Preservation Act of 1966 and Chapter 43.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington history, architecture, archaeology, or culture. The State Legislation names the director of the Washington State Parks and Recreation Commission as the person responsible for this program.

IN THE EVENT OF ARCHAEOLOGICAL FINDS OR HISTORICAL DESIGNATION, REFERRAL SHALL BE MADE TO STATE REGULATIONS FOR GUIDANCE AND SUPPORT, AND THEIR STANDARDS UPHELD.

RECREATION

For the purpose of the City of Snoqualmie Shoreline Management Master Program, recreation is the refreshment of body and mind through forms of play, amusement, and relaxation.

RECREATION, WHEN PERMITTED BY THE ZONING ORDINANCE, SHALL BE PERMITTED WITHIN THE SHORELINE AREA ONLY WHEN THE FOLLOWING STANDARDS ARE MET:

1. Priority shall be given to developments, ~~other than single-family residences which are exempt from the permit requirements of the Act,~~ which provide recreational uses and other improvements facilitating public access to shorelines.
2. Access to recreational locations such as fishing streams and hunting areas shall be a combination of spaces and linear access (parking areas and easements, for example) to prevent concentrations of use pressure at a few points.
3. The Snoqualmie Shorelines Management Master Program shall encourage the linkage of shoreline parks and public access points through the use of linear access. Many types of connections can be used, such as hiking paths, bicycle trails and/or scenic drives, where feasible.
4. Attention shall be directed toward the effect the development of a recreational site will have on the environmental quality and natural resources of an area.
5. Scenic views and vistas shall be preserved.
6. To avoid wasteful use of the limited supply of recreational shoreland, parking areas shall be located inland away from the immediate edge of the water and recreational beaches.
7. Recreational developments shall be of such variety as to satisfy the diversity of demands from groups in nearby population centers.
8. The supply of recreation facilities shall be directly proportional to the proximity of population and compatible with the environment designations.
9. Facilities for intensive recreational activities shall be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses.
10. In locating proposed recreational facilities, such as playfields and golf courses and other open areas which use large quantities of fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemicals from entering the water. If this type of facility is approved on a shoreline location,

provision shall be made for protection of water areas from drainage and surface runoff.

11. State and local health agencies have broad regulations which apply to recreation facilities, and watercraft which shall be consulted by local governments in preparing use regulations and issuing permits.

ADMINISTRATIVE REGULATIONS

I. NONCONFORMITIES

1. Structures: All structures, lawfully erected and maintained in lawful condition prior to the effective date of this Regulation and all structures in the process of being lawfully erected prior to the effective date of this Regulation but which do not conform to the regulations contained herein, may continue to exist or be completed according to the following provisions:

- a) No non-conforming structures may be expanded except in conformity to these regulations.
- b) Non-conforming structures may be maintained and improved, however such maintenance and improvement shall not have the effect of expanding the size or bulk of the structure.
- c) Uses within non-conforming structures may be changed to other permitted uses.

2. Uses: Uses or activities that do not conform to these regulations but which are on-going prior to the effective date of these regulations may continue under the following provisions:

- a) Non-conforming uses or activities that can be stopped without cost to the user or actor shall cease upon notification from the Administrator.
- b) Non-conforming uses or activities that may be altered to conformance and still continue to succeed in their function shall do so upon notification from the Administrator.
- c) Non-conforming uses or activities which will result in increasing or long-term damage to the environment shall cease upon finding by the Hearing Board that such increasing or long-term damage is indeed the case.
- d) Non-conforming uses discontinued for one (1) year shall not be re-established.

3. Sites: Sites lawfully created as a separate parcel of land prior to the adoption of this Regulation where such site is less than 40,000 square feet in area in the Rural Environment and less than five (5) acres in the Conservancy Environment shall be considered a legal development site subject to the maximum coverage limitation and all other requirements of the Shoreline Management Master Program.

II. ADMINISTRATOR

The mayor of Snoqualmie or his authorized deputy, shall be the Administrator of this Regulation, and shall perform all the duties ascribed to the Administrator in this Regulation. The Administrator shall also serve as secretary and staff to the Hearing Board, and shall administer the permit and notification systems.

The Administrator shall be as familiar as possible with other regulatory measures pertaining to shorelines and their use, and, within the limits of his authority shall cooperate in the administration of these measures. Where appropriate, other regulations shall be incorporated into permits issued under the provisions of this Regulation.

III. HEARING BOARD

There is hereby created a Hearing Board to perform the duties ascribed to such a Board in this Regulation. The Board shall consist of five (5) members composed of four (4) laymen and one (1) staff (other than the Administrator). Required public hearings shall be scheduled within the last 10 days of the 30 day local review period provided in the permit procedure. Decisions shall be rendered as soon as possible after the 30 day review period lapses and not more than 15 days thereafter.

Meetings may be held anywhere within the corporate limits provided that free public access to the meeting place is provided, ~~(-and further that all such meetings are given at least 48 hours public notice in the official newspaper and any other appropriate means.)~~ Meetings may be called by the Chairman or Administrator at any time, or by the motion of the Board during an earlier meeting.

IV. REQUIRED PERMITS

Certain forms of development or activity occurring within the area of jurisdiction require a permit, termed Substantial Development Permit, prior to commencement of construction or beginning the activity. The permit procedure shall be as explained in ^{Chapter} ~~RCW~~ 98.50 and amendments to that procedure shall automatically cause a similar amendment to this Regulation.

1. Those forms of development for which permits may be obtained are termed "Substantial Developments" and are defined by the Act as follows:

"Substantial Development" shall mean any development of which the total cost or fair market value exceed ~~one thousand~~ ^{two five} ~~five hundred~~ dollars, 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 considered substantial development for the purpose of this Regulation:

- a) Normal maintenance or repair of existing structure or developments, including damage by accident, fire or elements;
- b) Construction of the normal protective bulkhead common to single family residences;
- c) Emergency construction necessary to protect property from damage by the elements;
- d) Construction of a barn or similar agricultural structure on wetlands;
- e) Construction or modification of navigational aids such as channel markers and anchor buoys;
- f) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Regulation.
- g) Construction of a dock designed for pleasure craft only, for the

private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars.

2. Only by following the permit procedure and applying for a variance as provided in Section X can there^{be} any deviation from the strict interpretation of ^{the bulk, dimensional or performance stand-} these regulations. Those who wish deviation from these regulations for uses which would not require substantial development ~~must apply for a Substantial Development Permit and a~~ variance as provided in Section X.

V. PERMIT APPLICATION

Once an applicant has determined a permit is required for a contemplated project he shall apply on forms provided by the Administrator. On the day the applicant submits the completed form along with the application fee and other information, the official permit procedure begins. The Administrator shall not accept incomplete permit applications.

1. Required Information for Application. Each application for permit shall contain:

- a) Name, address, telephone number of applicant.
- b) Name, address, telephone number of property owners.
- c) Legal description of property.
- d) Common description of property.
- e) Name of associated shoreline or wetland.
- (i) f) ^{Site plans} ~~Drawings or text~~ sufficient to fully explain the intended project, which information must include:
 - (i) Site boundary
 - (ii) Property dimensions in vicinity of project.
 - (i)(i) Indication of size and placement of all ^{existing and propo-} structures including bulkheads.
 - (ii) Indication of size, grade, profile of all roads or other vehicular passageways.
 - (iii) Indication of any and all water supplies, sewage disposal facilities and solid waste handling facilities.
 - (iv) Relation of all physical development to the associated
- (f) Current use of the property with existing improvements.
- (g) Proposed use of property.
- (h) Nature of existing shoreline.

shoreline or wetlands and the location of the ordinary high water

(v) Scale drawings of all bridges or other structures to be built in, on or over streams, marshes, swamps or lakes.

(vi) Identify shorelines of statewide significance as well as environmental designation.

(g) The intended starting and completion dates.

(h) The reason, if any, why this project requires a shoreline location as opposed to a non-shoreline location.

(i) If a variance is being requested, the application shall contain the applicant's reasons why the variance should be granted.

(j) If a conditional use is being requested, the application shall contain the applicant's explanation of why the conditional use should be granted, including notation of any special features of the proposed project that supports the request.

(k) Name and address of all property owners within 300 feet of the boundaries of the property involved in the application.

(l) Identify source, composition and volume of fill material where applicable.

VI. PERMIT FEES

All applications for a Substantial Development Permit shall be accompanied by a fee as indicated by the current Fee Schedule as approved by the City Council and available at the office of the Administrator.

VII. PERMIT CONSIDERATION

Step One: After the Administrator has accepted the application, the applicant shall cause two (2) public notices of the application to appear in the official newspaper. These notices shall appear one (1) week apart and contain the information required by the Administrator. At the same time, the Administrator shall mail notice of the application to all the property owners of record within 300 feet of the boundaries of the property involved in the application.

Step Two: Starting from the day of the publication of the second notice by the applicant, a 30 day review period will commence during which the Administrator shall evaluate the application and collect all relevant data, and solicit communications from persons and agencies wishing to express views on the application. A copy of the

(vii) Typical cross section or sections showing existing ground elevations, proposed

application shall be sent to the Environment Planning Committee of the Snoqualmie Planning Commission for their review and comment. The Administration^{or} shall examine each application for conflict with the (Policy-Statements) contained in the Master Program. If a variance or conditional use request is part of the application, the Hearing Board shall schedule a public hearing during the last 10 days of the 30 day review period.

Step Three: At the end of the 30 day review period, but within 45 days, the Administrator shall make a decision to approve or deny the application, and the Hearing Board shall make any decisions to approve or deny conditional use or variance requests.

Step Four: The Administrator will then transmit the decision(s) and findings (required-by-Sections-Four) and other determinations by letter to the applicant, the Department of Ecology and the Attorney General.

Step Five: When the Department of Ecology receives the letter of a substantial dev. permit decision^{thirty (30)} (a forty-five (45) day review period will commence, during which appeals^{of} the local government decision can be made^{to the State Shoreline Hearings Board.})

Step Six: Should there be no appeal to the decision, either by the Department of Ecology, or by others, the Department of Ecology will allow the decision of the local government to stand, and at the end of the forty-five (45) day period, if the local government decision was to approve, and if no other permits are needed or have been granted, the project may proceed. Should there be an appeal, the project applied for may not begin until all appeals are settled by the State Hearings Board..

When the Department of Ecology receives the letter of decision on an approved variance or conditional use permit, the WDOE shall have thirty (30) days to approve, deny, or condition the permit. A thirty (30) day review period will commence when the department transmits its decision to local government and the applicant during which appeals of the WDOE decision can be made to the State Shorelines Hearings Board.

VII. (~~REVOCATION OF PERMIT~~) RESCISSION OF PERMIT

The Hearing Board may^{rescind} (~~revoke~~) the permit and halt the project if conditions written on the permit are not fulfilled or are violated or if other of these regulations are violated. Any such ^{rescission} ~~revocation~~ shall ~~(be in the form~~

~~of a "Cease" or "Desist" Order from the Prosecuting Attorney or City Attorney obtained at the request of the Hearing Board and served by the Administrator~~ comply with RCW 90.58.190(8).

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IX. NOTIFICATION

There are certain forms of development and activity that may occur within the area of jurisdiction, but which do not need Substantial Development Permits. In order to accomplish the purpose of these regulations, notification of intent to perform some of these non-permit requiring forms of development and activity must be given to the Administrator. Such notification may be by letter, telephone, transmittal from other agency permit requirements, or any other feasible means. Such notification must include: the name of the person or persons intending to perform the subject development or activity, the name of the property owner, the nature of the proposed development or activity, the location of the property, and the anticipated starting and ending dates of the project. This notice must arrive in the office of the Administrator at least one (1) week prior to the anticipated starting date. Those forms of development or activity subject to this notification provision are as follows:

1. Construction of houses (from building permit application).
2. Logging operations which do not require Substantial Development Permits (possibly from the Department of Natural Resources permit systems, or Fisheries permit systems).
3. Herbicide, insecticide, or other dangerous chemical application when a license is required by the Department of Agriculture.
4. The destruction of any building.
5. Clearing of Land.

Failure to give such notice shall be a violation of this Regulation. The burden of providing this notice rests jointly on the operator and the property owner.

X. VARIANCES AND CONDITIONAL USE PERMITS

This provision of the Master Program should be utilized in a manner which, while protecting the environment, will assure that a person will be able to

utilize his property in a fair and equitable way.

1. Conditional Uses: The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Master Program. With provisions to control undesirable effects, the scope of uses within each of the four environments can be expanded to include many uses. Uses classified as conditional uses ^{may} be permitted only after consideration by the ^{Hearing Board} ~~local government~~ and by meeting such ^{criteria listed below} ~~performance standards~~ that make the use compatible with other permitted uses within the area.

Conditional use permits will be granted only after the applicant can demonstrate ^{compliance with} ~~all of the following:~~ ^{criteria}

- (a) The use will cause no unreasonably adverse effects on the environment or other uses.
- (b) The use will not interfere with public use of public shorelines.
- (c) Design of the site will be compatible with the surroundings and the Master Program.
- (d) The proposed use will not be contrary to the general intent of the Master Program.
- (e) The proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located.

Should the Hearing Board approve the request, the specific conditions of approval, i.e., any specific required structures, designs, or actions of the applicant will be written on the permit issued to the applicant.

- (f) That the public interest suffers no substantial detrimental effect. Conditional use permits must be approved by the Department of Ecology and do not take effect until such approval is obtained.

2. Variances: A Variance deals with ^{bulk, dimensional or performance standards} ~~specific requirements~~ of the Master Program and its objective is to grant relief when there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Shoreline Management Master Program. The property owner must show that if he complied with the provisions he cannot make ^a ~~any~~ reasonable use of his property. The fact that he

might make a greater profit by using his property in a manner contrary to the intent of the program is not sufficient reason for variance.

A variance will be granted only after the applicant can demonstrate the following:

- (a) The hardship which serves as basis for granting a variance is specifically related to the property of the applicant.
- (b) The hardship results from the application of the requirements of the act and Master Program and not from, for example, deed restrictions or the applicant's own actions.
- (c) The variance granted will be in harmony with the general purpose and intent of the Master Program.
- (d) Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.

~~Applications for either the variance or conditional use permit will adhere to the procedures set forth in ordinances of the City of Snoqualmie.~~

XI. INTERPRETATION

When the provisions of this Regulation may be unclear in special circumstances, or where judgments must be made because of the nature of the language used, the Hearing Board shall make such interpretations and judgments. A separate record of all such actions taken shall be kept. To avoid arbitrariness, an earlier interpretation or judgment which may relate to the pending action shall be examined by the Board for its effect or influence on the pending action, and a finding shall be made indicating whether or not the earlier action is considered relevant to the pending decision and if not so considered, why not, and if so considered, the fashion it was used shall be made public record and kept.

XII. APPEAL

All of the various actions which may be taken during the administration and enforcement of these regulations may be appealed. All of the actions fall

into two categories, those actions which will be automatically reviewed at the state level, and those which will not be so reviewed. The appeal procedure contained in the Act itself provides the avenue of appeal for all state reviewable actions. For the non-state review actions, appeal may be filed with the legislative body of the City of Snoqualmie within 30 days of the date of the action being appealed. Such actions may include judgments or interpretations made by the Administrator.

The appellant must file his appeal with the Clerk of the legislative body. The legislative body shall render its decision on the appeal within 30 days of the date of the appeal filed with the clerk of the legislative body. The clerk shall prepare forms for use by the appellants. The Administrator will keep careful record of the date and nature of each decision. The success or failure of each appeal effort shall be made public record and shall be used in future decisions of a similar nature. The decision-maker shall note such use or shall record the explanation as to why an earlier appeal action was not used.

Appeals to the action of the legislative bodies may be made to Superior Court within 30 days of the date of the action to be appealed.

XIII.AMENDMENTS AND BOUNDARY CHANGES

Any of the provisions of this Regulation or the entire Shoreline Management Master Program, or Shoreline Management Jurisdiction Boundary lines, or Environmental Boundary lines may be amended. Such amendment shall first occur in the form of a regulation amendment according to the regular legislative rules of the legislative body, except that before the legislative body may entertain any amendments, there must first be a public hearing held by the Hearing Board at which the matter of amendment is presented to the public and their comment entertained.

When the local legislative body has acted, the proposed amendment will be sent to the Department of Ecology for its review. If the Department of Ecology approves the change it shall become effective thirty (30) days from the date of official Department of Ecology approval.

XIV. PUBLIC HEARING RULES

Any public hearing conducted as an action of these regulations shall be held according to these rules. The date, time, place and matter of the hearing shall be advertised in the official newspaper at least ten (10) days but not more than twenty (20) days in advance of the date of the hearing. Public hearings may be continued to a specific time and place and no further notice is required. Where specific pieces of property are involved, hearing notice containing the same information as the newspaper notice shall be sent at least twelve (12) days prior to the hearing date to record owners of property involved, plus the owners of record of all properties within 300 feet of the specific piece or pieces of property involved in the Hearing. In addition, notice for all hearings involving specific properties shall contain a common, and a legal description of the properties involved. -?

Public Hearing rules for the purpose of amending the Snoqualmie Shoreline Management Master Program shall be in accordance with WAC 173-19⁰⁶¹ and ⁰⁶² and as maybe amended.

Records will be kept for all hearings, and Roberts' Rules of Order will apply in the absence of pre-existing locally adopted hearing rules.

XV. PENALTIES

In addition to incurring civil liability under RCW 90.58.210, any person found to have willfully engaged in violation of the provisions of these regulations shall be guilty of a misdemeanor. Each day of violation shall be considered a separate, and separately punishable offense.

XVI. ENFORCEMENT

The attorney for the local government shall bring such injunctive, declaratory or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this Regulation, and to otherwise enforce the provisions of this Regulation.

XVII. EXISTING REQUIREMENTS FOR PERMITS, CERTIFICATES, ETC.

Nothing in this Regulation shall obviate any requirement to obtain any permit, certificate, license or approval from any state agency or local government.

XVIII. SEVERABILITY

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

XIX. ENDORSEMENT AND EFFECTIVE DATE

This Regulation is hereby declared necessary to meet the obligations and responsibilities now upon the City of Snoqualmie and is hereby endorsed and shall take effect on the ____ day of ____, 1984.

SIGNED

Legislative Body