

Section 5

Shoreline Use Policies and Regulations

Shoreline Use Policies and Regulations

5.1 Uses Permitted Within Environments and Use Regulations

Table 5.1, The Shoreline Use Table identifies uses permitted within specific environments. The table displays whether the use is permitted outright or as a conditional use in each environment. The numbers refer to special conditions and clarifications on the following page. See Section 2.6 for the review criteria for conditional uses.

Shoreline uses and activities not specifically identified, and for which policies and regulations have not been developed, will be evaluated as a conditional use activity. They will be required to meet the intent of the goals and objectives of Everett's Master Program, the policies of the Shoreline Management Act of 1971, as amended, and should be consistent with the management policy and character of the shoreline environment in which they are proposed to be located.

“Shoreline modification activities” are distinguished from “shoreline uses” in that they are specific construction actions taken in support of a use. Provisions for shoreline modification activities are covered in Section 6.

Specific regulations for shoreline uses are provided in the remaining portion of this section.

Table 5.1 Shoreline Use Table

Environment Use	Deep Water Port	Maritime	Industrial	Mixed-Use Industrial	Multi-Use	Shoreline Residential	Conservancy Recreation	Conservancy	Conservancy Agriculture ¹	Municipal Water Quality	Municipal Watershed	Aquatic	Aquatic Conservancy
Agriculture	X	X	X	P	X	X	P	X	P	P	X	X	X
Aquaculture	P	P	P	P	P	X	X	X	X	X	X	P	C
Boating Facilities	P	P	P	P	P	P	P	X	X	P	X	P	X
Commercial													
Water-dependent	P	P	P	P	P	X	P, 2	X	X	X	x	P, 12	X
Water-related	P	P	P	P	P	X	P, 2	X	X	X	x	P, 12	X
Water-enjoyment		P	P	P	P	X	P, 2	X	X	X	x	P	X
Nonwater-oriented	X	P, 15 ²	P	P	P	X	P, 2	X	X	X	x	X	X
Forest Practices, 8	P	P	P	P	P	P	P, 3	X	P,3	P	P	NA	NA
Industry	P	P	P	P	P, 6	X	C, 1	X	C,1	X	X	P, 12	X
In-stream Structures	P	P	NA	NA	NA	NA	NA	NA	NA	P	P	P	C, 14
Log Storage and Rafting	P, 5	P, 5	P, 5	P, 5	X	X	X	X	X	X	X	X	X
Mining	X	X	X	X	X	X	X	X	X	X	P	X	X
Parking	P	P	P	P	P	P	P	X	P	P	P	X	X
Recreational Development	P	P	P	P	P	P	P	P, 9	P, 16 ³	X	X	P, 12	X
Residential Development	X	X	X	X	P	P	X	X	P, 17 ⁴	X	X	X	X
Signs	P	P	P	P	P	P	P	P, 7	P,7	P, 4	P, 4	P, 10	X
Outdoor Advertising	X	X	X	X	X	X	X	X	X	X	X	X	X
Solid Waste Landfill and In-water Disposal	X	X	X	X	X	X	X	X	X	X	X	X	X
Solid Waste Collection Facilities	P	P	P	P	P	P	P	X	P	P	P	P	X
Solid Waste Transfer Stations	X	X	C	C	X	X	X	X	X	X	X	X	X
Transportation Facilities	P	P	P	P	P	P	P	P, 13	P	P	P	C, 11	C

¹ Ordinance 2859-05, Effective 11/17/05

² Ordinance 2713-03, Effective 5/18/04

³ Ordinance 3129-09, Effective 3/17/2011

⁴ Ordinance 3129-09, Effective 3/17/2011

Environment Use	Deep Water Port	Maritime	Industrial	Mixed-Use Industrial	Multi-Use	Shoreline Residential	Conservancy Recreation	Conservancy	Conservancy Agriculture ¹	Municipal Water Quality	Municipal Watershed	Aquatic	Aquatic Conservancy
Utilities and Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	C, 14

Note that the proposed use must also be an approved use in the Zoning Code. For example, where industrial activities are permitted in the Shoreline Environment, the Zoning Code may limit permitted uses to certain kinds of industrial activities.

P = Permitted Use (Note that the Regulations in this Section contain limitations on permitted shoreline uses.

C = Conditional Use (See Section 2.4 for Conditional Use Criteria)

X = Prohibited (Not allowed under any circumstances. Limitations in regulations do not apply.)

1 = Permitted only in the Agriculture Zone for activities such as food processing.

2 = Permitted only in Public Parks for concessions.

3 = Permitted only in the Agriculture Zone

4 = Directional signs only

5 = New log storage activities are prohibited, except on dry land. Expansion of existing areas is prohibited where grounding will occur and in the Aquatic Environment.

6 = Permitted in the multi-use zones along the riverfront. However, industrial uses are limited to high tech, office-park-type, non-warehouse type activities.

7 = Only interpretive and public access signs

8 = Forest practices are allowed in any environment when completed as part of a public access or mitigation/restoration proposal.

9 = Only minor public access improvements such as trails, boardwalks, overlooks, interpretive signs, restrooms, and picnic shelters are permitted. Associated facilities including parking, must be located outside of the Conservancy environment., (Revised 3/17/2011)

10 = Permitted on structures allowed over water. (Rev. 11/17/05)

11 = Expansion of existing facilities does not require a conditional use.

12 = Permitted to the pierhead/harbor line when the use is permitted on the adjacent shoreline site.

13 = A conditional use permit is required for expansion of the railroad in the Urban Conservancy environment along Port Gardner Bay.

14 = A conditional use permit is not required for water-dependent utilities.

15 = Nonwater-oriented commercial uses are only allowed in the North Marina Planned Development Overlay - WC zone area, shown on Figure 5.1. (Ordinance 2766-04)

16 = Passive recreation activities, such as trails, boardwalks, overlooks, interpretive signs, open space fields, picnic shelters, and associated facilities, such as parking and restrooms are permitted. Active recreation facilities, such as scheduled ball fields are not permitted. Community gardens are permitted uses. (Revised 3/17/2011)

17 = Permitted only in the Rural Flood Fringe District along Larimer Road and in areas outside the 100-year floodplain. (Revised 3/17/2011)

5.2 Agricultural Practices

Introduction

Agriculture includes, but is not limited to, the production of horticultural, viticultural, floricultural, livestock, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed or Christmas trees; the operation and maintenance of farm and stock ponds, drainage ditches, or irrigation systems; and the normal maintenance and repair of existing structures, facilities and lands currently under production or cultivation.

Associated activities such as farm bakeries, farm stands, farm product processing, agricultural education and promotion (including activities such as corn mazes), or demonstration farms are also considered to be agricultural activities. *(Revised 3/17/2011)*

Agricultural practices are those methods used in livestock, crop vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance, and fertilization, as well as animal husbandry practice such as feeding, housing maintenance, and marketing. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in the fragile shoreline areas. Also, large quantities of mineral and organic sediments enter water bodies through surface erosion when proper land management techniques are not utilized.

Agriculture in the Everett area is limited to a portion of the Snohomish River Flood plain in the southeast corner of the city, and to portions of Smith and North Spencer Islands. New agricultural activity is not currently a permitted use on Smith and North Spencer Islands, but should be allowed as an interim use subject to the provisions of this Section.

This section applies to new agricultural development. It does not apply to existing and ongoing agriculture. For the purposes of defining “existing and ongoing,” the City shall use the definition of agriculture in RCW 84.34.020(2), except that agricultural lands enrolled in set-aside programs administered by the Natural Resources Conservation Service or the Farm Services Administration of the US Department of Agriculture, or any other federal, state, or local agency, are considered to remain existing, ongoing agriculture. Activities which bring an area into agricultural use are not part of an ongoing operation.

RCW 90.58.030 (3)(e) defines substantial development for agricultural uses.

Policies

1. New development, clearing, and grading in support of agricultural uses should be located and designed to avoid significant ecological impacts.

2. The City should require the maintenance of a buffer of permanent vegetation between tilled areas and associated water bodies or wetlands which will retard surface runoff and siltation, enhance water quality and provide habitat for fish and wildlife.
3. Comply with control guidelines prepared by the U. S. Environmental Protection Agency and state and local agencies for regulating the location of confined animal feeding operations, retention and storage ponds for feed lot wastes, and stockpiles of manure solids so that water areas will not be polluted.
4. Farm management techniques, operations and control methods should protect the productivity of the land base by maintaining or improving soil quality and minimizing soil losses through erosion in accordance with standards and guidelines established by the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.
5. Appropriate farm management techniques should be utilized to prevent contamination of water bodies and adverse effects on valuable plant, fish and animal life from fertilizer and pesticide use and application.

Regulations

1. New agricultural activities shall provide buffers adjacent to the Snohomish River and other water bodies consistent with the SMP.
2. Manure lagoons shall maintain a minimum of a one hundred (100) foot setback from any water body and shall be constructed to an elevation of two feet above the base flood level occurring at the site.
3. All liquid manure storage shall be diked and, if possible, covered.
4. The application of agricultural fertilizers, including animal waste, herbicides and pesticides shall be setback at least 100 feet from the shoreline. Aerial spraying of fertilizers, chemical pesticides or herbicides is permitted only when approved by a state agency.
5. Livestock confinement and/or feed lots, stock piles of manure solids, and storage of noxious chemicals are prohibited within two-hundred (200) feet landward of OHWM.
6. During the application of agricultural chemicals (including fertilizers and pesticides) direct runoff into adjacent water bodies or aquifer recharge areas shall

be prevented. Adequate provisions shall be made to minimize their entry into any body of water.

7. Environmentally sensitive areas and required buffers shall be protected from damage due to concentration and overgrazing by livestock by providing the following:
 - a. Suitable bridges, culverts or ramps for stock crossing;
 - b. Ample supplies of clean fresh water in tanks for stock watering; and
 - c. Fencing or other grazing controls to keep livestock out of environmentally sensitive areas and their buffers.

8. Agricultural practices shall prevent and control erosion of soils within shoreline areas and minimize siltation, turbidity, pollution and other environmental degradation of watercourses and wetlands.

5.3 Aquaculture

Introduction

Aquaculture (popularly known as fish farming) is the culture of food fish, shellfish, or other aquatic plants and animals in lakes, streams, inlets, estuaries, and other natural or artificial water bodies. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include, but are not limited to, fish pens, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas. When consistent with control of pollution and prevention of damage to the environment, aquaculture activities are a preferred shoreline use. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, nearby land uses, wind protection, commercial navigation, and in marine waters, salinity. The technology associated with some forms of aquaculture is still in its formative stages and experimental.

Policies

1. Areas with high aquacultural use potential should be identified and encouraged for aquacultural use and protected from degradation by other types of land and water uses.
2. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts. In general, projects that require no structures, submerged structures or intertidal structures should be given preference over those that involve substantial floating structures. Projects that require few land-based facilities should be given preference over those that require extensive facilities. Projects that involve little or no substrate modification should be given preference over those that involve substantial modification.
3. Where a choice of aquacultural methods are available, or where two or more incompatible aquacultural projects are proposed in the same area, the relative environmental impacts of each method or proposal should be considered. In general, preference should be given to methods listed in subsection (a), below, over those listed in subsection (b):
 - a. Methods involving no submerged, intertidal, or floating structures or facilities and minimal substrate modification; methods involving submerged subtidal structures or facilities; methods involving intertidal structures or facilities.

- b. Methods involving floating structures or facilities; methods involving floating structures with artificial feeding and/or substantial substrate modification.
4. The city-wide density of net-pen and raft culture operations should be limited as necessary to minimize cumulative environmental impacts.
5. Aquaculture activities should be given flexibility to experiment with new aquaculture techniques. However, experimental aquaculture projects should be limited in scale and should be approved for a limited period of time.
6. Aquaculture should not be permitted in areas where it would significantly degrade ecological functions or significantly conflict with navigation and other water-dependent uses.
7. Aquacultural facilities should be developed and operated to minimize nuisance odor and noise impacts to surrounding properties.

Regulations

1. Aquaculture activities shall be prohibited if it is determined that the proposed facility will have a negative impact on shoreline ecology or the habitat, abundance or genetic diversity of native species.
2. Applicants shall include in their applications all information needed to conduct thorough evaluations of their aquaculture proposals prepared by qualified professionals, including but not limited to the following:
 - a. Species to be reared;
 - b. Aquaculture method(s);
 - c. Potential for disease and escapement;
 - d. Anticipated use of any feed, pesticides, herbicides, antibiotics, or other substances, and their predicted impacts;
 - e. Manpower/employment necessary for the project;
 - f. Harvest and processing location, method and timing;

- g. Location and plans for any shoreside activities, including loading and unloading of the product, processing, crew quarters, etc.;
 - h. Methods of waste management and disposal and odor control.
 - i. Environmental assessment, including best available background information on water quality, tidal variations, prevailing storm wind conditions, current flows, flushing rates, aquatic and benthic organisms, and probable impacts on water quality, biota, currents, littoral drift, and any existing shoreline or water uses. Further baseline studies may be required depending upon the adequacy of available information, existing conditions, the nature of the proposal, and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense unless otherwise provided for;
 - j. Method of predator control;
 - k. Use of lights and noise generating equipment over water that minimizes interference with surrounding uses; and
 - l. Other pertinent information deemed necessary by the City.
3. The location of floating and submerged aquaculture structures shall not restrict navigation to or along the shoreline or interfere with general navigation lanes and traffic or “usual and accustomed fishing and shellfish harvest locations”. Floating structures shall remain shoreward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access may be necessary based on the size and shape of the affected water body.
4. No aquatic organism shall be introduced into City salt or fresh waters without prior written approval of the Washington Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism proposed for introduction. The required approval shall be submitted in writing to the City Planning and Community Development Department prior to the introduction or the granting of the permit, whichever comes first.

Unless otherwise provided in the shoreline permit issued by the City, the repeated introduction of an approved organism in the same location shall require approval by the City only at the time the permit is issued. Introduction for purposes of this section shall mean the placing of any aquatic organism in any area within the waters of City regardless of whether it is a native or resident organism and regardless of whether it is being transferred from within or without the waters of City.

5. Aquacultural structures and activities that are not water-dependent (e.g., warehouses for storage of products, parking lots) shall, be located inland of the ordinary high water mark, upland of water-dependent portions of the project, and shall minimize detrimental impacts to the shoreline.
6. Aquacultural structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the City shall require the posting of a bond commensurate with the cost of removal or repair. The City may abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in 30 days and may impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate requirements of other agencies.
7. Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to, or destruction of such an aquacultural enterprise shall be grounds for the denial of that use.
8. Operational monitoring may be required if and to the extent that it is necessary to determine, ensure or confirm compliance with predicted or required performance. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's (operator's) expense.
9. No processing of any aquacultural product, except for the sorting or culling of the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be governed by, in addition to these provisions, the policies and regulations of other applicable sections of this master program, in particular, provisions addressing commercial and industrial uses.
10. Aquacultural wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.
11. Aquacultural uses and facilities shall be located at least 600 feet from any habitats of special significance for birds or mammals (as determined by the Washington State Department of Wildlife); provided that fish net-pens and projects involving substantial substrate modification shall be located 1,500 feet or more from such

areas; provided further that lesser distances may be authorized if the applicant demonstrates that the wildlife resource will be protected. Greater distances also may be required if supported by the reviewing resource agencies.

12. Hatchery and other aquaculture operations shall be required to maintain a minimum fifty (50) foot wide vegetated buffer zone along the affected streamway, PROVIDED that clearing of vegetation shall be permitted for essential water access points.
13. Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include but are not limited to double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters. The use of other non-lethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.
14. Permit applications shall identify all pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemicals that the applicant anticipates using. No such materials shall be used until approval is obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, the Washington State Department of Ecology, Fisheries and Agriculture, as required, and proof thereof is submitted to the city. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing, rather than chemical treatment and application.
15. For aquacultural projects using over-water structures, storage of necessary tools and apparatus seaward of the ordinary high water mark shall be limited to containers of not more than three feet in height, as measured from the surface of the raft or dock; provided that in locations where the visual impact of the proposed aquaculture structures will be minimal, the city may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored seaward of the ordinary high water mark.
16. Proposals for mechanical clam harvesting or other activities that involve substantial substrate modification through dredging, trenching, digging, or adverse sedimentation shall be prohibited in existing kelp beds or in beds of native eel grass (*Zostera marina*).
17. Fish net-pens shall meet, as a minimum, state-approved administrative guidelines for the management of net-pen cultures; where any conflict in requirements arises the more stringent requirement shall prevail.

18. Fish net-pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements.
19. Aquacultural proposals that include net pens or rafts shall not be located closer than one nautical mile to any other aquacultural facility that includes net pens or rafts, provided that a lesser distance may be authorized by the City if the applicant can demonstrate to the City satisfaction that the environmental and aesthetic concerns expressed in this master program will be protected. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of this Master Program.
20. Except as provided in regulation number 18, aquacultural developments approved on an experimental basis shall not exceed five acres in area (except anchorage for floating systems) and five (5) years in duration; provided that the City may issue a new permit to continue an experimental project as many times as is deemed necessary and appropriate.
21. Where necessary to preserve the integrity of any research data collected, aquaculture developments which would be likely to jeopardize an experimental aquaculture development shall be prohibited within the same bay or within a mile of such a development until after the experimental project is granted non-experimental status or terminated.
22. For floating culture facilities the city shall require a visual impact analysis.

5.4 Boating Facilities

Introduction

Boating facilities include marinas, either dry or wet moorage types; boat launch ramps; boat rental facilities; covered moorage; boat houses; mooring buoys; boat lifts; and services for pleasure craft and small commercial boats. Boating facilities do not include docks serving four or fewer single-family residences, a single dock provided at an apartment complex, or facilities provided for commercial or industrial uses, except as otherwise provided in marinas.

All boating facilities must also comply with the requirements of Section 6.7 Piers, Docks and Floats, as applicable.

“Boat launch ramps” are constructed of concrete or other material which extends onto the water and tidelands for boat launching. Associated improvements may include piers or docks. on the sides of the ramps.

“Day-use non-motorized boat rental facilities” include docks, buildings, and storage facilities associated with the rental of canoes, kayaks, small sailboats, paddle boats, and other non-motorized boats, usually on an hourly or daily basis. Because of the short-term nature of the use and the type of boats involved, facilities such as sewage pump-out stations are not necessary.

“Day-use motorized boat rental facilities” include docks, buildings, fueling areas, and storage facilities associated with the rental of motorized boats on an hourly or daily basis. Motorized boat rental facilities may be allowed as an accessory use in marinas or as a stand alone use. Because of the short-term nature of the use and the type of boats involved, facilities such as sewage pump-out stations and fueling areas may not be necessary.

“Marinas” are facilities that provide wet and/or dry moorage for at least 5 boats, boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: foreshore marinas and backshore marinas. Foreshore marinas are located in the intertidal or offshore zone and may require breakwaters of open-type construction (floating breakwater and/or open pile work) and/or solid-type construction (bulkhead and/or landfill). Backshore marinas are located landward of the OHWM. There are two common types of backshore marinas, one with wet-moorage that is dredged to artificially create a basin; and dry moorage, which has upland storage with a hoist, marine travel lift, or ramp for access. Marinas may also include facilities for commercial and industrial vessels, and rescue and law enforcement vessels. However,

commercial and industrial uses must also comply with the commercial and industrial requirements of this SMP and the Zoning Code.

Accessory uses found in marinas may include fueling facilities; boating equipment sales and rental; boat rental; repair services; public launching; potable water; waste disposal; administration; parking; yacht clubs; and retail sales of bait and tackle, groceries and dry goods. Activities associated with marinas, such as commercial uses, parking, boat repair (industrial), utilities, and transportation facilities are subject to the regulations established for those uses. Where an accessory use is not specifically addressed as a separate use, such as yacht clubs, the boating facility regulations shall apply. In addition, the shoreline modifications are subject to the regulations in Section 6.

Because of the effect marinas have on wildlife, fish and shellfish habitats "best management practices" should be implemented to prevent adverse impacts.

“Covered moorage” is wet or dry moorage and is an accessory use to marinas.

“Boat houses” are generally small covered wet or dry boat moorage buildings associated with a single use, such as a single family house or a rescue boat at a public beach.

Policies

1. Local as well as regional "need" data should be considered as input to the development of marinas.
2. Priority will be given to marina development in developed areas.
3. Marinas should be located so as to minimize the consumption of limited shoreline resources by considering:
 - a. The expansion of existing marinas over the addition of new marinas;
 - b. Marinas and launch ramps are preferred over the development of individual docking facilities for private, non-commercial pleasure craft; and
 - c. The use of boat launch ramps and dry storage and other new technologies as alternatives to sheltered, year round wet moorage of water craft.
4. Areas which should not be considered for marina sites are embayments with poor flushing action or sites that are hazardous due to storm tides, high winds or flooding.

5. All boating facilities should be located, designed, and operated to minimize negative impacts to aquatic, littoral, or land life forms including animals, fish, shellfish, birds, and plants, their habitats and their migratory routes. To the extent possible, boating facilities should be located in areas of low biologic productivity. Mitigation of adverse impacts should be required.
6. Boating facilities should be located and designed to minimize adverse effects upon, and to enhance if possible, beneficial shoreline features and processes including erosion, littoral transport and accretion shoreforms, as well as scarce and valuable shore features including riparian habitat and wetlands.
7. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views.
8. New marina facilities should be designed to accommodate public access and enjoyment of the shoreline including provisions for walkways, view points, rest room facilities and other recreational uses according to the scale of the facility. (Also see Public Access in Section 3.7.)
9. Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.
10. The multiple use concept should be a consideration of all local marina designs, including but not limited to such uses as public access, dock fishing, boat launching, wet and dry boat storage, as well as off-season utilization of the facility.
11. Installation and maintenance of sewage disposal (pumpout stations) should be required and available in convenient locations to all marina users.
12. Live-aboards should be permitted in marinas only if and when adequate measures are in place to protect water quality.
13. Boat launch ramps at Silver Lake and Lake Stickney should be limited, and new boat launch facilities should be designed and managed to prevent milfoil from entering the lake from boats.

Regulations - General

All Boating Facilities

1. Boating facility development and/or renovations shall comply with all other applicable local, state and federal agency policies and regulations, including, but not limited to, construction standards, water quality standards, shoreline modification standards, standards for the use and storage of fuels and toxic materials, and health standards.
2. Vessels shall not permanently moor on waters of the state unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
3. Boating facilities shall not adversely impact navigation channels.

Marinas

1. The City shall require and utilize the following information in its review of marina proposals;
 - a. Biological resources and habitats for the backshore, foreshore and aquatic environments.
 - b. Existing natural shoreline and backshore features and uses, bathymetric contours (1-foot increments);
 - c. Geohydraulic processes and flushing characteristics, volume, rates and frequencies;
 - d. Area of surface waters appropriated and leased areas;
 - e. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
 - f. All information required for shoreline modification activities;
 - g. The design of the facilities, including sewage disposal, water quality controls, provisions for the prevention and control of fuel spillage;
 - h. A site plan showing all proposed site improvements, including public access, pedestrian circulation, and a landscaping plan.
 - i. An analysis of the impacts of proposed structures on views.
2. There shall be facilities available for handling all types of boat waste generated in the marina and adjacent uplands, including but not limited to holding tanks, bilge, oil, gas, and/or diesel fuels. If private or off-site facilities are used to meet this

requirement, signs or brochures shall be available to marina users to advise them of appropriate disposal facilities.

3. Accessory uses at marinas shall be limited to those which are water-oriented. Accessory uses shall be consistent in scale and intensity with the marina and surrounding uses.
4. Shoreline permits for marinas shall be conditioned to require boater education addressing boater impacts on water quality and other shoreline resources.
5. The discharge of sewage and/or toxic material from boats and/or shore installation shall be prohibited within any marina. Toxic material herein defined as any material damaging marine life includes but is not limited to paints, varnishes, detergents, petroleum, contaminated bilge waste water, etc.
6. Under the City of Everett Comprehensive Plan and Zoning Code, residential uses are not a permitted use in the industrial zones, maritime commercial zones or areas where the Port of Everett Marina facilities are located. The City is aware that the Port of Everett has adopted a policy that provides for persons to live on their boats (live-aboards) with certain conditions.

The City of Everett shall require the Port of Everett to establish a water quality monitoring program to determine what, if any, significant water quality effects may exist as a result of live-aboards in the Port Marina area.

Live-aboards shall be prohibited in any newly constructed or expanded portions of marina facilities unless all of the following are provided:

- Dockside gray water and sewage disposal facilities.
- Public access as otherwise required in this master program. Live-aboards will not be a reason to diminish public access.
- Actions necessary to avoid impacts to aquatic habitats.
- Actions necessary to avoid or mitigate impacts to upland development or services, including parking and access.
- Actions necessary to prevent incompatibility with water oriented uses. (Live-aboard residential activities are not a water-oriented use).
- Marina management and operation actions to address issues related to live-aboards, including but not limited to security, compatibility with other marina activities, displacement of recreational boaters, and utility and service provision are in place. See section 5-4 Marina Management and Operations.

Boat Launch Ramps and Day-Use Non-Motorized Boat Rental Facilities

1. The City shall require and utilize the following information in its review of proposals for boat launch ramps and day-use non-motorized boat rental facilities:
 - a. Biological resources and habitats for the backshore, foreshore and aquatic environments.
 - b. Existing natural shoreline and backshore features and uses.
 - c. Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;
 - d. All information required for shoreline modification activities;
 - e. A site plan showing all proposed site improvements, including pedestrian circulation, and a landscaping plan.
 - f. An analysis of the impacts of proposed structures on views.

Day-use Motorized Boat Rental Facilities

1. The City shall require applications for day-use motorized boat rental facilities to submit all of the information discussed for boat launch ramps and non-motorized day use boat rental facilities. In addition, the applicant shall submit information regarding the types of boats to be rented and analyze the need for and design of sewage disposal facilities and fueling areas.

Regulations - Location

1. Marinas shall be sited to prevent any restrictions in the use of commercial and recreational shellfish beds. The specific distance shall be determined in conjunction with the Washington State Department of Health Services, the Washington State Department of Ecology and other agencies with expertise. Criteria for determining the specific distance may include:
 - a. The size of the water body;
 - b. Tidal flushing action in the project area;
 - c. Size of the marina and projected intent of use;
 - d. Whether fuel will be handled or stored;
 - e. Existence of a pump-out or sewer hook-up; and

- f. Expected or planned changes in adjacent land uses that could result in additional water quality or sanitary treatment requirements.
- 2. Marinas and launch ramps shall locate in areas where there is adequate water mixing and flushing to avoid violations of water quality standards and shall be designed so as not to retard or negatively influence flushing characteristics.

Marine Shores

- 3. Boating facilities shall not locate at or along:
 - a. Significant littoral drift sectors, including resource material areas, such as accretion beaches, and points;
 - b. Significant fish and shellfish spawning and rearing areas; or
 - c. Poorly flushed backwaters.
- 4. Foreshore marinas and other boating facilities may be located on or along low energy drift sectors.
- 5. Backshore marinas and other boating facilities may be located behind low energy driftways. Connecting channels and their jetties should be designed to protect natural littoral drift processes.
- 6. Boating facilities shall not extend seaward of the pierhead or outer harbor line.
- 7. Boat houses are not permitted in the Urban Conservancy Designation.
- 8. Mooring buoys may be permitted through a conditional use permit. The conditional use process must include notification of agencies with jurisdiction.

Lake Shores

- 9. Marinas shall be prohibited on Everett's lake shores.
- 10. Launch ramps are permitted in public developments.
- 11. Day-use non-motorized boat rental facilities are permitted.
- 12. Launch ramps and day-use non-motorized boat rental facilities shall be located to avoid and mitigate impacts to native aquatic and buffer vegetation.

13. Boat houses for residential use must be setback from the shoreline per the buffer requirements of the SMP. One boat house may be permitted for rescue boats at public recreation facilities. Such boathouse is not required to setback from the shoreline.
14. Mooring buoys shall be prohibited on Everett's lakes, except as allowed for safety purposes in EMC 8.44.050.

Rivers

15. Boating facilities shall not locate along braided or meandering river channels where the channel is subject to change in direction or alignment, or on point bars and other accretion beaches.
16. Boating facilities shall be located so as not to adversely affect flood channel capacity in conformance with FEMA regulations.
17. Subject to compliance with Regulations 15 and 16 above, marinas, launch ramps, day-use motorized boat rental facilities, and day-use non-motorized boat rental facilities are permitted on the Snohomish River.
18. Boat houses and mooring buoys are prohibited along/on the Snohomish River.

Regulations - Design/Expansion/Renovation

1. Boating facilities shall be designed in a manner that will minimize damage to ecological functions and ecosystem-wide processes.
2. Marina design shall provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water.
3. Boating facilities shall be designed so their structures and other features and operations will be aesthetically compatible with or will enhance existing shoreline features and uses, and so views from the uplands and the water are not significantly diminished.
4. Public Access, both visual and physical, shall be an integral part of all marina development and design and must include the following:
 - a. Marinas and public launch ramps shall be designed so that existing or potential public access along beaches is not unnecessarily blocked nor made dangerous and public use of the surface waters below the ordinary high water mark is not unduly impaired.

- b. Covered moorage shall not be constructed where it would block visual access from public access areas and/or a significant numbers of residences.
- c. Breakwaters constructed for protection of marinas shall be designed to allow public access along the top, where practical.

Regulations – Boating Facility Parking

1. To the maximum extent possible, marinas and accessory uses shall share parking facilities.

Regulations - Utilities

1. Where moorage is offered in new, expanded or renovated existing marinas, pump-out, holding and/or treatment facilities shall be provided for sewage contained on boats and/or vessels. Such facilities shall be located so as to be conveniently available to all boats. The responsibility for the adequate collection and disposal of marina originating sewage, solid waste and petroleum waste is that of the marina operator.
2. All marinas shall provide restrooms and showers for boaters' use in conformance with applicable state and local regulations. They shall be kept clean and at a minimum be located within two hundred (200) feet from the dock or pier. Signs shall be posted so that the restrooms are easily identifiable to boating public.
3. All pipes, plumbing, wires and cables at a marina site shall be placed at or below ground and dock levels.
4. Public boat launch facilities, day-use motorized boat rental facilities, and day-use non-motorized boat rental facilities shall provide and maintain rest rooms or portable toilets.

Regulations – Marina Management and Operations

1. Marinas shall have adequate facilities and establish posted operational procedures for fuel handling and storage in order to prevent and minimize accidental spillage.
2. Marinas shall have facilities, equipment and established posted procedures for the containment, recovery and mitigation for spilled petroleum, sewage, and toxic products.

3. Marina operators shall provide the following information to all marina users:
 - a. Regulations pertaining to handling and disposal of waste, sewage and toxic materials;
 - b. Regulations prohibiting the use of marine toilets while moored unless these toilets are self-contained or have an approved treatment device; and
4. Garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users in sufficient numbers to properly store all solid waste generated on site.
5. Dock facilities shall meet applicable regulations pertaining to lifesaving equipment such as life rings, hook and ropes.
6. Adequate fire protection shall be required as per the Uniform Fire Code.

Regulations - Boat Launches

1. New boat launch ramps at Silver Lake and Lake Stickney shall provide signage and boat washing facilities to prevent the spread of milfoil into the lakes.

Regulations - Covered Moorage

1. Marina developers are required to provide a detailed plan for covered moorage development. Such a plan must indicate: (a) covered moorage location, size and general design; and (b) impact on shoreline views in the marina and from adjacent private and public properties.
2. Covered moorages are prohibited in areas determined to be of high scenic value or where open water views are important.
3. All covered moorages at a specific marina shall be of similar and/or compatible design, materials, color, length and height (unless they exceed the present height limits); and shall be constructed in contiguous groups or modules as part of the overall project.
4. Where covered moorages are used, a public dock shall be provided for viewing the water and for fishing.
5. All covered moorages shall be constructed of non-reflective neutral material and colors.

Regulations – Boat Houses

1. Boat houses for emergency rescue boats shall be permitted in public recreational developments. Such boat houses shall be limited to the size necessary to accommodate the rescue boat(s), and shall not significantly impact views from private properties and public shoreline vistas.

Regulations - Mooring Buoys

1. Mooring buoys shall be located to minimize impacts on navigation.
2. Buoys must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.
3. The applicant must demonstrate the need for a mooring buoy.

5.5 Commercial Development

Introduction

Commercial development are those uses which are involved in wholesale, retail trade, service and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, offices, and nonwater-oriented indoor recreation facilities, such as fitness clubs. Excluded from this category are residential uses, boating facilities, and industrial uses, which are discussed in other subsections in this Section. Commercial developments are intense users of space because of extensive floor areas and because of facilities, such as parking, necessary to service them.

Policies

1. New commercial development located in shoreline areas should emphasize those uses which are water-oriented uses and activities as defined herein. Commercial development in shoreline areas should be encouraged in descending order of preference as follows:
 - a. Water-dependent uses;
 - b. Water-related uses;
 - c. Water-enjoyment uses; and
 - d. Nonwater-oriented uses
2. Nonwater-oriented commercial uses should only be permitted when they provide public access and they provide ecological restoration, if appropriate and feasible, and they meet at least one of the following criteria:
 - a. The site is physically separated from the shoreline by another property, public right-of-way, or significant environmentally sensitive area.
 - b. The use is part of a mixed-use project or area that includes water-dependent uses.
 - c. Navigability is limited at the site.
3. Nonwater-dependent commercial uses should not be allowed over water, except where they are auxiliary to and in support of water-dependent uses and provided

the size of the over-water construction is not expanded for nonwater-dependent uses.

4. The City should encourage water-oriented commercial development in the portion of the Urban Maritime environment south of the Maulsby Mudflats.
5. The City should encourage commercial development with a strong emphasis on public access to the shoreline in the Urban Multi-Use environment.
6. Nonwater-dependent commercial development should protect existing shoreline vegetation contributing to ecological functions and should enhance buffers as required by EMC 19.37. Water-dependent commercial development should mitigate impacts to shoreline vegetation.
7. Multiple use concepts which include open space and recreation should be encouraged in commercial developments.
8. Commercial development should be an aesthetic improvement to the surrounding area. Structures should not significantly impact views from upland properties, public roadways or other public areas.
9. Where nonwater-oriented commercial uses are permitted, the development should provide views of the shoreline from and through the site.

Regulations

1. The City of Everett shall require and use the following information in its review of commercial development proposals:
 - a. Nature of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, nonwater-oriented, mixed-use) including a breakdown of specific components;
 - b. Need for shoreline location;
 - c. Special considerations for enhancing the relationships of the activity to the shoreline;
 - d. Provisions for public visual and physical access to the shoreline;
 - e. Provisions to ensure that the development will not cause adverse environmental impacts; and

- f. For mixed-use proposals, present alternative mixes of water-oriented and non-water-oriented uses and activities, structural locations, site designs and bulk considerations, alternative enhancements for physical and visual public access to the shoreline (both public and private space), and other considerations which address the goals and policies of the SMP.
2. Nonwater-oriented commercial uses shall only be permitted within 200 feet of the ordinary high water mark when they provide substantial public access and they provide ecological restoration, if appropriate and feasible, and when at least one of the following criteria is met:
 - a. The site is physically separated from the shoreline by another property, public right-of-way, or significant environmentally sensitive area.
 - b. The use is part of a mixed-use project or area that includes water-dependent uses.
 - c. The site is upriver from the SR 529 bridge, or is located along Union or Steamboat Sloughs.

Water-dependent and water-related commercial uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy, or in the aquatic area west of Smith Island (AU 3.05).

3. Commercial developments that are water-oriented may be permitted as indicated in Table 5.1 Shoreline Use.
4. Priority shall be given to commercial development located in areas presently served by roads and utilities.
5. Commercial uses that are not water-dependent shall be prohibited over the water, except where they are auxiliary to and in support of water-dependent uses, and provided the size of the over-water construction is not expanded for nonwater-dependent uses.
6. Commercial development of public lands shall provide for public access, visual and physical, in accordance with an overall pedestrian circulation plan for the total development of that particular segment of shoreline.
7. All commercial loading and service areas shall be located on the upland side of the commercial activity or provisions must be made to screen the loading and service area from the shoreline and water body.

8. In all new and expanded commercial developments, the best available management practices and procedures shall be employed for safe handling of fuels and toxic or hazardous materials.
9. Commercial uses shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Operators shall take all actions necessary to insure that contaminants do not enter the water or storm drainage system. Development and operations shall comply with the City's Drainage Ordinance and Stormwater management Manual.

5.6 Forest Practices

Introduction

This section addresses Forest Practices in the Municipal Watershed Environment. It does not regulate Forest Practices within the City's Urban Growth Boundaries.

Forest practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade that 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 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 turbidity of the water.

The City of Everett is a co-licensee (with the Snohomish County PUD) on FERC License #2157 (Jackson Hydroelectric Project). The license regulates activities within specific City-owned land at Lake Chaplain. This license requires mitigation for loss of wildlife habitat as a result of the completion of the hydroelectric project. The mitigation is guided by the "Wildlife Habitat Management Plan" that involves the management of five tracts of second growth coniferous forest on a 60 year harvest rotation (the Chaplain Tract is one of these tracts). Harvest rotations are designed to maximize habitat conditions for the wide range of wildlife species affected by the hydroelectric project.

Policies

1. Ensure compliance with the State's Forest Practices Act (RCW 76.09) for all forest management activities. The Act covers all aspects of forest management activities including:
 - Watershed analysis (Chapter 222-22 WAC)
 - Road construction and maintenance (Chapter 222-24 WAC)
 - Timber Harvesting (Chapter 222-30 WAC)
 - Reforestation (Chapter 222-34 WAC)
 - Forest Chemicals (Chapter 222-38)
2. Ensure compliance with FERC License #2157 (i.e., Wildlife Habitat Management Plan), where applicable.
3. Special attention shall be directed in logging and thinning operations to prevent accumulation of slash and other debris in contiguous waterways.

4. Timber harvesting practices, including road construction and debris removal, should be closely regulated to protect water quality.
5. Timber harvesting practices in shorelines of the state should be conducted to maintain the State Board of Health standards for public water supplies (Chapter 248-54, Public Water Supplies).
6. Logging should be avoided on shorelines with slopes of such grade that large sediment runoff will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.
7. Logging within shoreline areas should be conducted to ensure water quality, the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

Regulations

1. Where applicable, all forest practice activities shall be conducted in compliance with Washington State's Forest Practices Act (RCW 76.09) and FERC License #2157.

Road Construction and Maintenance

2. All roads shall be constructed on stable soils and with a minimum of alteration of the natural topography. Roads shall be constructed and maintained in conformance with Chapter 222-24 WAC (Forest Practice Rules).

Timber Harvesting

Timber harvesting covers all removal of timber from forest lands in commercial operations, thinning, salvage of timber, re-logging merchantable material left after prior harvests, post-harvest cleanup, and clearing of merchantable timber from lands being converted to other uses.

3. All timber harvesting within shoreline jurisdiction shall comply with Chapter 222-30 WAC (Timber Harvesting) regulations and any regulations adopted to implement the Forest and Fish Report dated April 29, 1999.
4. All timber harvesting within shoreline jurisdiction shall comply with FERC License #2157 regarding wildlife mitigation, where applicable. The Wildlife Habitat Management Plan shall be used as guidance.

5.7 Industry

Introduction

Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods. Ports are public enterprises providing services and facilities for waterborne commerce, and industrial development dependent upon waterfront locations or attracted to ports because of the variety of available transportation. Included in ports and industry are such activities as container ship terminals, transport and storage, ship repair and building, concrete and asphalt batching, tug and barge operations, etc. Excluded from this category and covered under other sections of the SMP are boating facilities, mining, log rafting and storage, utilities, solid waste disposal and transportation facilities.

Generally, the kinds of industries that seek locations at or near the shoreline may be grouped as:

1. Those dependent upon deep-water shipping for inbound and outbound materials and products;
2. Those closely linked to the foregoing by their dependence upon them for raw materials;
3. Those using shallow-draft shipping such as barges and tugs;
4. Those using large volumes of water in industrial processing;
5. Those attracted to the shoreline because of availability of roads and rail, and attractiveness of the setting. (These have low priority.)

The master program aims to facilitate the development of water-dependent/water-related industrial activity in appropriate locations.

Policies

1. Future expansion projects should conform with the adopted City of Everett Comprehensive Plan, including the Shoreline Master Program and the Parks and Recreation Comprehensive Plan, and the Port of Everett's Comprehensive Scheme of Harbor Improvements.
2. Water-dependent/water-related industries which require frontage on navigable water should be given priority over other industrial uses.

3. Nonwater-related/nonwater-dependent industry should be located on upland sites or provide for substantial ecological restoration of the shoreline and public access.
4. Cooperative use of docking, parking, cargo handling, and storage areas should be given consideration in future shoreline industrial development.
5. In designating shoreline areas for water-dependent/water-related uses, or permitting such uses, strong consideration should be given to the available data on what the future need for such use may be.
6. The determination as to which lands are best suited for water-dependent/water-related industry should be made on the basis of the following location criteria: (Listing is not a listing of priority, but rather a listing of things that should be considered.)
 - a. Channel access
 - b. Rail access
 - c. Major road access
 - d. Size of land area
 - e. Physical characteristics of site (grade, soil, etc.)
 - f. Size of ownership units
 - g. Present use
 - h. Natural characteristics of site
7. Water-dependent/water-related industry should be planned so as to make industrial sites an attractive as well as an economically important use.

Regulations

1. The Shoreline rules clearly provide for a priority of shoreline uses with the highest priority given to environmental restoration and water dependent and water related uses (see WAC 173.26.200 (2)(d) Preferred uses, 173.26.240 (3)(f) Shoreline Use Standards – Industry, and 173.26.250 (3)(c) Shorelines of state-wide significance - Priority uses).
 - a. The Urban Industrial, Urban Maritime, Urban Mixed Use Industrial, and Deep Water Port shoreline areas along the main channel of the Snohomish River down river from the SR 529 bridge are located along viable commercial waterways along the federally maintained navigation channel. These areas include the historic port area and shall be preserved primarily for water- dependent and water related uses.

In this area, nonwater-dependent and nonwater-related uses shall be permitted within 200 feet of the ordinary high water mark only when the site is physically separated from the water's edge by another property, public right-of-way, or significant environmentally sensitive area. Water-dependent and water-related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy.

In the event of a Model Toxic Control Act (MTCA) or federal "Superfund" remediation of a property, nonwater-dependent/nonwater-related uses may be allowed through a conditional use permit when the applicant demonstrates that the clean-up of the site is not reasonably feasible except upon providing a nonwater-dependent/nonwater-related use.

Nonwater-dependent and nonwater-related uses, when permitted, shall provide significant public access per the requirements of Section 3.7 of this SMP. Preference shall be given to public access uses and uses that provide substantial public enjoyment of the shoreline.

Nonwater-dependent and nonwater-related uses shall preserve and enhance existing native shoreline vegetation per the requirements of the SMP and shall provide environmental restoration, when feasible.

- b. Urban Industrial and Urban Mixed Use Industrial shoreline areas along the main channel of the Snohomish River upriver from the SR 529 bridge are also located adjacent to the federally maintained navigation channel, and may be commercially viable. However, these areas are to some degree constrained due to the restrictions of the SR 529 bridge and also the presence of significant environmental features along certain sections of the Snohomish River (see the SEWIP resources inventory and the WDFW Priority Habitats map).

In these areas, nonwater-dependent and nonwater-related uses shall be permitted within 200 feet of the ordinary high water mark provided such uses provide substantial public access and public enjoyment of the shoreline. Water-dependent and water-related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy. All nonwater-dependent and nonwater-related uses shall preserve and enhance existing native shoreline vegetation per the requirements of EMC 19.37 and shall provide environmental restoration, when feasible.

- c. The Urban Mixed Use Industrial Properties along Union and Steamboat Sloughs are not located adjacent to a federally maintained navigation channel.

In these areas, nonwater-dependent and nonwater-related uses shall be permitted within 200 feet of the ordinary high water mark provided such uses provide substantial public access and public enjoyment of the shoreline. Water-dependent and water-related uses shall be prohibited where they would require new dredging, fill, piers, or other significant modifications in areas designated Aquatic Conservancy, or in the aquatic area west of Smith Island (AU 3.05). All nonwater-dependent and nonwater-related uses shall preserve and enhance existing native shoreline vegetation per the requirements of the SMP and shall provide environmental restoration, when feasible.

2. Existing port or industrial development which is neither water-dependent nor water-related shall be permitted to expand inland from, but not along, shoreline areas. Waterward expansion of existing non-water-oriented industry is prohibited unless consistent with Regulation 1 above.
3. Cooperative use of docking, parking, cargo handling, and storage areas shall be given consideration in future shoreline industrial and port development. Proposed developments shall maximize the use of legally established existing industrial facilities and avoid duplication of pier and dock facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial developments shall demonstrate the need for expansion into an undeveloped area.
4. The construction of facilities for water transport of bulk crude or other forms of petroleum in vessels over 125,000 dead weight tons is prohibited.
5. Offshore facilities, floating docks, and artificial islands for deep water port expansion shall not be permitted except by conditional use permit.
6. In all new and expanded port and/or industrial developments, the best available management practices and procedures shall be employed for safe handling of fuels and toxic or hazardous materials.
7. Ports and industry shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Operators shall take all actions necessary to insure that contaminants do not enter the water or storm drainage system. Development and operations shall comply with the City's Drainage Ordinance and Stormwater Management Manual.

8. All new or expanded industrial development shall be set back a minimum of 20 feet from adjacent shoreline properties which are located in non-industrial zones. A landscaped buffer shall be provided in the 20 feet, such buffer being of adequate width, height, and plant composition to protect views from shorelines and adjacent properties.

5.8 In-stream Structures

Introduction

In-stream structures are structures placed by humans within a stream or river waterward of the bank full width that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures function for the impoundment, diversion or use of water for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), transportation, utility service transmission, recreation, fish habitat enhancement, or other purpose. Both the structures themselves and their support facilities are covered by this section. This applies to their construction, operation and maintenance, as well as the expansion of existing structures and facilities. Provided however, that the City will not require the removal of existing legal structures and facilities, such as tide gates, or prohibit their expansion when it is not feasible to meet all standards.

Policies

1. To the extent reasonable, in-stream structures and associated facilities should provide for the protection and preservation of ecosystem-wide processes and ecological functions, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, and natural scenic vistas.
2. Proposals for in-stream structures and associated facilities should give careful consideration to the design, location, security and construction of access roads, impoundment structures and reservoirs, penstocks and power houses to minimize adverse impacts to the shoreline and the surrounding area.
3. Applications for in-stream structures should clearly document the need and purpose of the structure, environmental effects, and the suitability of the proposed site for the specific type of development.
4. All diversion structures should be designed to permit transport of bed load materials.
5. To minimize the potential for impacts to the shoreline environment, expansion of existing power generation facilities is preferred to construction of new power facilities within shoreline jurisdiction. When new sites are considered in shoreline jurisdiction, sufficient evidence should be presented to demonstrate that existing facilities are fully utilized or are not practically available.

6. Where reasonable, all non-water oriented facilities, such as staging and storage areas, switching yards, utility transmission lines should be located at least 200 feet landward of the ordinary high water mark.
7. Except for modifications to the City's Diversion Dam in the Sultan River, in-stream structures and associated facilities should be located and designed so they do not interfere with public navigation of the water course, including commercial and recreational navigation.
8. Except for modifications to the City's Diversion Dam in the Sultan River, in-stream structures and associated facilities should be designed and located so as to not significantly impact publicly owned lands or waters used extensively for recreation. Impacts that should be avoided or minimized include the visual impact of the structure or facility, the intrusion of roads or utility corridors into undeveloped areas used for recreation, and the aesthetic impacts of reduced water noise and visual impacts from reduced water flows.

Regulations

1. All permit applications shall contain, at a minimum, the following information:
 - a. A site suitability analysis which provides sufficient justification for the proposed action and the site.
 - b. Proposed location and design of in-stream structures, accessory structures, utility corridors and access/service roads.
 - c. A hydraulic analysis prepared by a licensed professional engineer which sufficiently describes the project's effects on streamway hydraulics, including potential increases in base flood elevation, changes in stream velocity and the potential for redirection of the normal flow of the affected stream.
 - d. Sufficient biological resource inventory and analysis to describe the impacts on ecological functions.
 - e. Provision for erosion control, protection of water quality and fishery and wildlife resources during construction, and proposed mitigation.
 - f. Long-term management plans which describe, in sufficient detail, provisions for protection of in-stream resources during construction, operation, and maintenance. The plan shall include monitoring, when applicable.

2. Erosion and drainage controls must be provided per the City's Drainage Ordinance, Design and Construction Standards and Specifications and Stormwater Management Manual.
3. Service roads shall be of a size which is minimally necessary to safely accomplish maintenance and repair of the facility.
4. All diversion structures shall be designed to permit the transport of bedload materials.
5. Except for expansions or modifications to the City's Diversion Dam in the Sultan River, in-stream structures shall provide for adequate upstream and downstream migration of resident and anadromous fish, where applicable.

5.9 Log Storage and Rafting

Introduction

Available research findings show that log debris, bark, and wood leachates resulting from log handling in public waters can adversely affect water quality and fish and wildlife. The range of effects varies from mild to severe depending upon the specific characteristics of both the involved water body and log handling practices. Log storage and rafting can result in dense accumulations of wood debris, which can have a strong negative effect on benthic infauna and result in significant changes to epibenthos. Also, grounding of log rafts at low tide can affect the benthic community by compacting sediments, smothering organisms, and precluding access to the underlying sediments. In most instances where logs depreciate water quality, there are a number of practicable changes that can be made to improve conditions.

The City should encourage land storage and handling; however, log storage along Everett shoreline is currently a necessary practice for the purpose of handling, transporting, and maintaining adequate inventories of logs for manufacturing and port operations.

Policies

1. Easy let-down devices should be employed for placing logs in the water, thereby reducing bark separation and the generation of other wood debris.
2. Positive bark and wood debris controls, collection, and disposal methods should be employed at log dumps, raft building areas, and mill-side handling zones. This should be required for both floating and sinking particles.
3. Log dumps should not be located in water zones where positive bark and debris controls cannot be made effective.
4. Accumulations of bark and other debris on the land and docks around dump sites should be kept out of the water.
5. New log storage areas should be on dry land and paved.
6. Expansion of existing log dumping, storage, or rafting areas should not be permitted if grounding will occur.
7. Where water depths will permit the floating of bundled logs, they should be secured in bundles on land before being placed in the water. Bundles should not be broken again except on land or at destination.

8. Dry land log storage facilities should provide measures for reducing potential impacts on adjacent areas resulting from dust, noise, lighting, and visual impact.

Regulations

1. New log storage areas shall be on dry land and paved.
2. Expansion of existing log dumping, storage, or rafting areas is prohibited where grounding will occur.
3. Expanded facilities for water storage of logs shall have:
 - a. Easy let-down devices to reduce bark separation and generation of wood debris.
 - b. Practical and effective bark and wood debris controls.
4. New dry land log storage facilities shall provide practical and effective measures for addressing the anticipated adverse impacts on adjacent properties as a result of dust, noise, lighting, and visual impact.
5. New log storage, sorting, and loading areas must comply with the City's Stormwater Manual.
6. Accumulations of bark and other debris on the land and on docks shall be kept out of the water.

5.10 Mining

Introduction

Mining is the removal and primary processing of naturally occurring material from the earth for economic use. For purposes of this definition, “processing” includes screening, crushing, stockpiling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction, but not to dredging approved to accommodate permitted uses or navigation. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations or concrete batching operations (see “Industry” for standards relating to these uses). Mining can result in short-term and long-term significant ecological impacts to shoreline ecological functions or ecosystem-wide processes.

Policies

1. Mining should be prohibited in Everett’s shorelines, except as allowed as an incidental activity in the Municipal Watershed Environment.

Regulations

1. Mining shall be prohibited in Everett’s shorelines, except as allowed in Section 5.10A – Municipal Watershed Utilities.

5.11 Municipal Watershed Utilities

Introduction

This section addresses the City's water system utility in the Municipal Watershed Environment separately from other utilities due to the unique nature of activities associated with provision of a public water supply, and the inevitable need for facilities within and adjacent to waters of the state. Activities within the Municipal Watershed environment must comply with all regulations other than those in Section 5.17 Utilities, including, but not limited to, In-stream Structures and Forest Practices.

The Sultan River is the source of water for Everett's water utility. Lake Chaplain Reservoir was formed by construction of two dams in a side valley near the Sultan River. A concrete diversion dam constructed in the Sultan River originally diverted water to the Reservoir. However, since construction of the Jackson Hydropower Project and raising of Spada Lake Reservoir, water is diverted to Lake Chaplain Reservoir via a pipeline from the powerhouse. Now, under normal operating conditions, water from the Jackson power house is directed back to the Sultan River through Tunnel No. 1 to the diversion dam to maintain in-stream flows for fish.¹ A pump station and a water filtration plant are located immediately south of the Lake Chaplain Reservoir. Four large-diameter transmission pipelines and two tunnels deliver water from the plant to customers throughout Everett's service area. Other facilities and activities associated with the water supply include, but are not limited to, roads, emergency power generation, a backwash solids drying bed,² and a disposal area for dried backwash solids.

The City plans many improvements to the City's water supply and treatment facilities over the next 20 years. Work in shoreline jurisdiction may include rehabilitation of Diversion Tunnel No. 1, Tunnels No. 2 and 3 and the Portals 1- 6³, and piping improvements at Chaplain Reservoir. Over the long term, from 2007-2020, the City will need to expand the capacity of the Water Filtration Plant, and rehabilitate/modify the Diversion Dam. A new transmission line, the cross-tie pipeline that will connect the north and south corridor transmission lines, will increase overall system capacity and improve the transmission system reliability. Other improvements that may be required include repair and maintenance of pipes; modifications of portals; modification of the screen house/intake structure; modification of the spillway on the Lake Chaplain

¹ Water is routed from Spada Reservoir to the Jackson power house. Then part of the water is routed back to the west end of tunnel 1. There the water is split with part of it going into Chaplain Reservoir and the rest going back through Tunnel 1 and outletting at the diversion dam and released into the Sultan River for fish flows.

² For backwash solids from the filter plant wash water pond.

³ Tunnel 1 runs through the mountain between the Sultan River and Lake Chaplain Reservoir. Portal No. 1 is on the east (Sultan River) end. Portal 2 is on the west (Lake Chaplain Reservoir) end. Tunnels No. 2 and 3 run between Lake Chaplain Reservoir and Woods Creek. Portals 3 and 5 are at the east (Lake Chaplain Reservoir) end. Portals 5 and 6 are at the west (Woods Creek) end.

Reservoir south dam; modification, repair and maintenance of the dam faces; repair and modification of the siphon in Lake Chaplain Reservoir, expansion of the backwash solids drying bed and the disposal site, and maintenance and repair of a road and pipeline that runs alongside the Sultan River from the diversion dam to Portal 1 of Tunnel 1. Many of the improvements will require work within Lake Chaplain Reservoir and the Sultan River, while other activities will be located away from the water's edge.

In the past, gravel extraction occurred within shoreline jurisdiction to construct a drying bed for backwash solids at Lake Chaplain Reservoir. The gravel removed was eventually placed over the north side of the north dam. A Substantial Development Permit was issued in 1995 to allow this material to be excavated. The permit also allowed mining to expand the backwash solids disposal site. The materials from both areas are to be used to construct roads associated with forest practice activities stipulated by the Wildlife Habitat Management Plan under the FERC license (Article 53) for the Jackson Hydroelectric Project (see Section 1.8). Future expansion of the backwash solids drying bed and the disposal site may be necessary. If so, it is likely that the gravel/materials in the expansion area would be mined a year or so before construction of the expansion, and the excavated materials used to construct or maintain roads associated with Forest Practices. Mining activity within shoreline jurisdiction should be permitted only as necessary to maintain an adequately sized backwash solids drying bed and disposal site at the filtration plant/Lake Chaplain Reservoir.

Policies

1. Mining permitted in the Municipal Watershed environment should only be as necessary to maintain a safe and adequate water supply and to implement the Wildlife Habitat Management Plan.
2. A buffer strip should be provided to control runoff between a mining operation and any surface water, creeks, drainage ways, or swales which could be adversely affected. The buffer currently provided between Lake Chaplain Reservoir and the backwash solids drying bed should not be reduced.
3. New transmission lines should utilize existing transportation and utility sites, rights-of-way, and corridors whenever reasonably possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
4. Utilities should be located and designed to minimize harm and mitigate impacts to critical areas, ecological functions, and ecosystem-wide processes.

Regulations

1. Mining is permitted in the Municipal Watershed environment only as necessary to expand the backwash solids drying bed and/or disposal area.
2. Mining is prohibited in or adjacent to Woods Creek and the Sultan River within the City limits.
3. A buffer is required between mining activities at the backwash solids drying bed area and Lake Chaplain Reservoir, and other surface waters, as shown on the existing Shoreline Substantial Development Permit.
4. Destruction of priority species habitat is prohibited during mining activities.
5. All above ground utility and communication facilities shall comply with EMC 19.41.150.D.(2)c.
6. Where utility construction or maintenance activities will result in disruption of shoreline vegetation, development plans shall include provisions for temporary soil stabilization during construction and for restoration of the site to preconstruction appearance and function upon completion of the project. Buffers shall be re-established and/or enhanced as required by the SMP and/or the Wildlife Habitat Management Plan.
7. Utility facilities shall be located and designed so as to minimize or prevent the need for shoreline protective measures.
8. Structural abutments or landfill required for water crossings shall be located landward of the OHWM, unless no reasonable alternative exists.

5.12 Parking

Introduction

Parking is the temporary storage of automobiles or other motorized vehicles. Parking, loading, and service area requirements are found in the City of Everett Zoning Code and the Public Works Design and Construction Standards and Specifications Manual.

Policies

1. Parking in shoreline areas should directly serve an approved shoreline use.
2. Parking facilities should be located and designed to minimize adverse impacts, including those related to stormwater run-off, water quality, visual qualities, public access, and vegetation and habitat maintenance.
3. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).
4. Parking should be located landward of the primary shoreline use.
5. The City should allow public viewing of shorelines from vehicles.

Regulations

1. Parking is prohibited over water.
2. Parking in shoreline jurisdiction shall directly serve a shoreline use. Parking as a “primary” use and parking that serves a use not approved in the shoreline jurisdiction shall be prohibited.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall be provided per Zoning Code standards, unless a Landscape Modification is approved by the Planning Director or Hearing Examiner, per EMC 19.35.070.
4. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened, or where parking will serve public access provided as a part of a development, or in cases when an alternate orientation would have less adverse impact on the shoreline.

5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking for the primary purpose of allowing people to view the shoreline from their car (public view parking) may be permitted subject to the following conditions.
 - a. Public view parking shall not interrupt, restrict, or diminish public access. Where possible, public access corridors, trails or other features shall occur waterward of the public view parking. Where possible, public view parking shall be separated from other public access features by a low hedge or screen.
 - b. Public view parking should be associated with other permitted recreation, public or Port of Everett related activity.

5.13 Recreational Development

Introduction

Outdoor recreation is any leisure activity that takes place within the out-of-doors or natural environment. Water-oriented activity accounts for a very high proportion of outdoor recreation pursuits in the Puget Sound area. The natural resources of scenic vistas, lakes, rivers, and salt water areas provides endless opportunities for both active and passive leisure involvement.

Since the inception of Everett as a major urban center (1892), public water access and waterfront recreation have been severely restricted due to the industrial nature of the early development. The challenge now is to increase the availability of publicly accessible salt water, river front, streams, and lakes.

This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, or association. It addresses both outdoor recreation and water-oriented recreation buildings, such as the rowing facility at Langus Riverfront Park and interpretive centers. Nonwater-oriented indoor recreation facilities, such as fitness facilities are addressed under Section 5.5 Commercial Development.

Policies

1. Priority should be given to developments which provide recreational uses and other improvements facilitating public access to the shorelines.
2. Water-dependent recreational uses should be given priority over other types of recreational use. Where nonwater-oriented recreational uses are permitted, they should include public access and environmental restoration where appropriate.
3. Shoreline recreational uses should accommodate a balance of active and passive uses.
4. Shoreline recreational uses should be designed and managed to ensure that activities during peak use periods do not significantly degrade ecological functions.
5. In designating shoreline areas for recreation activity or permitting developments in shoreline areas, consideration should be given to the recommendations of the Everett Parks and Recreation Comprehensive Plan.

6. Shoreline parks, recreation areas, and public viewing points should be linked by an integrated system of paths and bicycle lanes which provide substantial public access.
7. Recreational uses should be permitted in floodplain areas.
8. All recreational developments should make adequate provisions for:
 - a. Vehicular and pedestrian access, and parking both on and off-site;
 - b. Proper water, solid waste, and sewage disposal methods;
 - c. Security and fire protection;
 - d. The prevention of trespass onto adjacent properties, including but not limited to landscaping, fencing and posting of property; and
 - e. Buffering of such development from adjacent private property.
9. The concentration of recreation use pressure at a few points along the shoreline should be avoided by encouraging the development of dispersed recreation areas.
10. The use of off-road all-terrain vehicles should be restricted or prohibited in shoreline jurisdiction where they would cause impacts to wildlife, erosion, and conflicts with other activities.

Regulations

1. In designating shoreline areas for recreation activity or permitting developments in shoreline areas, consideration shall be given to the recommendations of the Everett Parks and Recreation Comprehensive Plan and other approved Comprehensive Public Access Plans.
2. Priority shall be given to recreational developments which increase the opportunity for public access and enjoyment to our urban shoreline areas.
3. Water-dependent recreational uses shall be given priority over other types of recreational use. Water-related and water-oriented recreational uses shall be second priority. Nonwater-oriented recreational uses are permitted, provided they include public access and environmental restoration of the shoreline edge and buffers, and provided that they avoid significant ecological impacts.
4. Recreational facilities shall be provided with adequate sanitary facilities.

5. For recreation developments such as playfields and golf courses that require the use of fertilizers, pesticides, herbicides or other toxic chemicals, the applicant shall submit plans demonstrating the methods to be used to prevent damage to vegetation in critical areas, wildlife, surface and ground water quality. Buffers of native species shall be included in the plan. The City shall determine the required buffer width per the SMP, but in no case shall the buffer strip be less than fifty (50) feet. The developer shall also be required to leave a chemical-free swath at least one hundred (100) feet in width next to water bodies and wetlands, except as necessary for the control of noxious weeds.
6. Motorized vehicular access is prohibited on beaches, except for boat launching and maintenance activities.
7. Pedestrian and bicycle paths shall be provided unless clearly not appropriate.
8. The use of all-terrain and off-road vehicles shall be prohibited.
9. Minor over-water recreation buildings and structures are permitted for public access purposes provided significant adverse impacts are mitigated.
10. Proposals for recreational development shall provide adequate water supply, sewage and garbage disposal.
11. Recreational facilities shall provide adequate provisions to prevent the general public from trespassing and overflowing into adjacent properties.
12. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features, including unique and fragile areas, scenic views and aesthetic values. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to achieve this intent.
13. Underwater parks and artificial reefs shall include safety provisions to warn boating traffic of their location.
14. Artificial reefs shall not contain materials toxic or otherwise hazardous to humans or fish and wildlife.

5.14 Residential Development

Introduction

Residential development means one or more buildings or structures which are designed for or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, and multiple family residential developments, together with accessory uses and structures normally applicable to residential uses including but not limited to garages, sheds, utility services, recreation facilities, and parking. Note that shoreline modification activities, including docks are addressed in Section 6 of this SMP and are not considered accessory structures.

Both single family and multiple family residential uses occur in Everett's shorelines. Single family uses in shoreline jurisdiction are located north and west of Silver Lake, around Lake Stickney, above Maulsby Swamp, along Port Gardner Bay, and along Lowell-Larimer Road. Multiple family development occurs south and east of Silver Lake. In the future, multiple family development may also occur in the Multi-Use Environment.

Note that live-aboards are addressed under Section 5.4 Boating Facilities, rather than in this section.

In most cases, a substantial development permit is not required for the construction of an individual single family residence or normal appurtenances to a single family residence (see WAC 173-27-040(2)(g)). Although these structures are exempt, compliance with the Shoreline Master Program is still required. All multiple family developments, subdivisions, short subdivisions, and non-exempt accessory structures are not exempt, and require a Substantial Development Permit.

Policies

1. In order to preserve and protect environmentally sensitive areas, planned residential developments or cluster developments should be considered.
2. Residential development over water should be prohibited.
3. Residential development should be designed to preserve and enhance existing shoreline vegetation, control erosion and protect water quality during and after construction.
4. Residential development should be designed to preserve views and normal public use of the shoreline.

Regulations

1. Residential and accessory structure development over water, including floating homes, shall be prohibited.
2. Shoreline stabilization for new residential structures is prohibited, except as allowed through EMC 19.37.050.B., Reasonable Use. (Also see Regulation 3 on page 6-6, Shoreline Stabilization.) The subdivision of properties into parcels that will require shoreline stabilization for development to occur shall be prohibited.
3. Where development activities will result in disruption of vegetation with a potential for increased run-off and erosion, development plans shall include provisions for temporary soil stabilization during development and for permanent stabilization upon completion of development. Buffers shall be provided as required by the SMP.
4. Multiple family developments shall orient buildings to views of the shoreline, when feasible, while protecting views of shorelines from other properties.
5. Residential development in the rural flood fringe district along Larimer Road is only permitted when consistent with all City codes and regulations, and with the requirements of the Snohomish Health District when septic systems are required.
(Revised 3/17/2011)

5.15 Signs, Outdoor Advertising

Introduction

Signs are any device, structure, fixture, placard, painted surface, awning, banner or balloon using graphics, lights, symbols and/or written copy designed specifically for the purpose of advertising, identifying or promoting the interest of any person, institution, business, event, product, goods or services: provided, that the same is visible from any street, way, sidewalk or parking area open to the public. Signs may be pleasing or distracting, depending upon their design and location. A sign, in order to be effective, must attract attention; however, a message can be clear and distinct without being offensive. There are areas where signs are not desirable, but generally it is the design that is undesirable, not the sign itself. The provisions of this Section do not apply to publicly owned signs whose purpose is safety, direction, or information.

Policies

1. Off-premise outdoor advertising signs and billboards should not be considered as an appropriate use of the shoreline area.
2. Signs should not block or otherwise interfere with visual access to the water or shorelines. Signs should be placed against sides of buildings whenever possible to minimize the visual obstruction of the shoreline.
3. The design of signs should not reduce vehicular or pedestrian safety.

Regulations

1. Off-premise outdoor advertising signs are prohibited in shoreline areas.
2. All signs shall comply with EMC 19.36, Signs.
3. Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
4. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
5. When feasible, signs shall be mounted flush with the building or awning. No sign, other than directional signs, shall be placed in a required view corridor or vista unless mounted flush against the building

6. Over-water signs or signs on floats or pilings shall be permitted only when related to water-dependent uses.
7. Signs marking historical or cultural sites must be approved by the Historic Commission.
8. Lighted signs shall be hooded, shaded, or directed downward onto the site and away from surrounding properties or watercourses.
9. Except for public advisory signs, no sign shall have blinking, flashing fluttering, or other illumination devices which have a changing light intensity or brightness, or which are so constructed and operated as to create an appearance of animated writing or printing, including changing message signs.

5.16 Solid Waste Disposal and Collection

Introduction

This section covers solid waste landfill and in-water disposal, transfer stations, and incidental refuse collection.

Solid waste landfill and in-water disposal activity means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any exposed solid or hazardous waste on any land area or in the water. Solid waste includes all putrescible and non-putrescible solid and semi-solid wastes, including but not limited to garbage, rubbish, ashes, industrial waste, wood wastes, swill, demolition and construction wastes, abandoned cars and parts, household appliances, and other discarded commodities. Solid waste does not include sludge, sewage, energy recovery, dredge material or agriculture wastes.

Solid waste transfer stations are facilities where non-hazardous solid waste is delivered by public agencies, businesses or individuals and transferred and/or sorted into other containers to be transported to another location of ultimate disposal. A solid waste transfer station may include provisions for extraction of recyclable or reusable materials, as well as collection facilities for recyclable materials.

Solid waste collection facilities are normal and incidental to permitted shoreline activities and include garbage containers, dumpsters, and recycle containers.

Policies

1. Solid waste landfill and in-water disposal activities and facilities should be prohibited in shoreline areas.
3. Solid waste collection facilities should be required for all shoreline uses. Garbage containers, dumpsters and recycling facilities should be sited and designed to prevent impacts to water quality, aesthetics and surrounding uses.
3. Solid waste transfer stations should be permitted in shoreline jurisdiction only when designed to eliminate contact of the refuse with the ground, to avoid impacts to water quality, to be compatible with adjacent shoreline properties and waterways, and to mitigate aesthetic impacts.

Regulations

1. New solid waste landfill and in-water disposal activities shall be prohibited in shoreline areas.
2. All development shall provide solid waste collection facilities.
3. Solid waste collection facilities in shoreline areas shall be located, constructed, and screened so as to prevent impacts related to health and sanitation, water quality, odor, aesthetics, and public safety. Containers shall be covered, and stormwater runoff shall be treated per City standards.
4. Solid waste transfer stations shall be a conditional use in the Urban Industrial and Urban Mixed-Use Industrial Environments.
5. Solid waste transfer stations must be designed to fully contain the refuse within an enclosure and to avoid impacts to water quality.
6. Solid waste transfer stations shall be designed and landscaped to be compatible with adjacent properties and nearby neighborhoods.
7. Solid waste transfer stations shall provide significant landscape screening and/or other design features to mitigate visual impacts from freeways and highways.

5.17 Transportation Facilities

Introduction

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include streets and highways, bridges, bikeways, trails, railroad facilities, ferry terminals, airports, intermodal facilities and other related facilities. Their construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion, and retard the run-off of flood waters. Along Everett's shoreline, the repair and maintenance of the above facilities has a potential for adversely affecting shoreline areas.

Policies

1. When feasible, major highways, freeways, and railways should be located away from the shoreline, except in the servicing of commercial, port, and heavy industrial areas. When transportation facilities must be located in shorelines, they should be located and designed to minimize and mitigate impacts to shoreline resources.
2. All debris, overburden, and other waste materials from construction and maintenance should be disposed of in such a way as to prevent their entry by erosion from drainage, high water, or other means into an adjacent water body.
3. Street locations should be planned to fit the topography so that minimum alterations of natural conditions will be necessary.
4. Street locations should be planned to minimize the number of waterway crossings.
5. Scenic corridors with public streets should have provision for safe pedestrian and other non-motorized travel. Also, provision should be made for sufficient viewpoints, rest areas and picnic areas in public shorelines.
6. New and expanded transportation facilities in shoreline areas should be designed and landscaped to minimize their visual impacts.
7. New and expanded public streets in shoreline areas should include facilities for pedestrians, bicycles, and public transportation, where feasible.
8. Approval of large-scale port or industrial projects should be granted only after identification and evaluation of the following: capacity of existing transportation system, and impact of an expanded transportation system to serve these areas.

9. Existing city, county, and state streets and rights-of-way which dead-end on a shoreline should be utilized and maintained for increasing public visual and physical access to the water.
10. Joint use of transportation corridors within shoreline areas for streets, utilities and non-motorized forms of transportation should be encouraged.
11. Maintenance or repair work carried out on streets and the railroad lines along our shoreline should be conducted in a manner which minimizes the impact on water quality, public utilization of shoreline area, and ecological functions and ecosystem-wide processes.
12. New transportation facilities should be located and designed to minimize the need for shoreline stabilization measures.
13. The expansion of railroad facilities should be discouraged in the Urban Conservancy Environment along Port Gardner Bay.

Regulations

1. The City of Everett shall prohibit the vacating of street-ends that abut the Snohomish River, Port Gardner Bay, Silver Lake and Lake Stickney, unless the street is not suitable for boat launching, park, viewpoint, recreation, education, or other public purpose.
2. New transportation facilities shall be located and designed to maximize distance from the ordinary high water mark, while serving shoreline properties, unless such location shall result in greater impacts to critical areas.
3. New and expanded public streets in shoreline areas shall include facilities for pedestrians, bicycles, and public transportation, where feasible.
4. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be mitigated by doing so.
5. New construction and maintenance or repair work carried out on roads and the railroad lines along our shoreline shall be conducted in a manner which minimizes the impact on water quality, public utilization of shoreline area, and ecological functions and ecosystem-wide processes.

6. When disposing of landslide debris along Port Gardner Bay, the railroads shall avoid impacts to eel grass and kelp beds.
7. Where practical, guard rails of bridges and necessary reinforcing members shall be designed so as not to obstruct the public's view of the shoreline.
8. New transportation facilities in shoreline areas shall be located and designed to minimize or prevent the need for shoreline stabilization measures.
9. New and expanded transportation facilities shall be designed to minimize impacts on shoreline views.
10. Landscaping shall be provided to minimize visual impacts for all new and expanded transportation facilities in shorelines. A preliminary landscape plan shall be provided and approved prior to issuance of a shoreline substantial development permit.
11. All shoreline areas disturbed by facility construction and maintenance shall be replanted and stabilized. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established.
12. The City shall give preference to mechanical means rather than the use of herbicides for roadside brush control on City streets in shoreline areas.
13. Culverts shall be located and installed in accordance with City of Everett standards and specifications.
14. Airport facilities, including float plane and heliport facilities, shall be permitted in the Urban Deep Water Port, Urban Industrial, and Urban Mixed-Use Industrial shoreline areas when they conform to FAA standards and when approved by Planning Commission and City Council through a public review process.
15. Transportation facilities shall be prohibited on accretion shoreforms.
16. Navigation channels shall be kept free of hazardous or obstructing uses and activities.

5.18 Utilities

This Section does not apply to utilities in the Municipal Watershed Environment. They are addressed in Section 5.11.

Introduction

Utilities are services and facilities which produce, transmit, carry, store, process, or dispose of electric power, gas, sewage, stormwater, water, communications, and oil. Utilities are also comprised of sewage treatment facilities (including bio-solids management), energy recovery plants, etc. At this time the most feasible methods of transporting most utilities are through lineal pipelines, cable and wire, except that communications facilities increasingly utilize above-ground antennas. Installation of these utilities necessarily disrupts the landscape, but can usually be planned to have minimal permanent visual and physical effect on the environment when operational. Minor on-site utilities serving a primary use, such as a water line to a residence or industrial use, are “accessory utilities” and shall be considered a part of the allowed use.

Because Everett is surrounded on three sides by Shorelines of the State, it is inevitable that linear utilities, such as sewer lines, water transmission and distribution lines, natural gas transmission and distribution lines, and electric power lines will be located in shoreline areas as they cross the Snohomish River or other water bodies. In addition, some of these facilities will be needed in shoreline areas in order to serve development permitted in shoreline areas. Everett’s Water Pollution Control Facility has historically been located on Smith Island in shoreline jurisdiction. It is not feasible for this facility to be relocated, and it is expected that this facility will be expanded and upgraded on the current site.

Policies

1. Utilities should be located to meet future needs and serve areas planned to accommodate this growth, while minimizing conflicts with existing shoreline uses.
2. Utilities should utilize existing transportation and utility sites, rights-of-way, and corridors whenever reasonably possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
3. Utilities should be located and designed to minimize harm and mitigate impacts to critical areas, ecological functions, and ecosystem-wide processes.

4. Nonwater-oriented utilities facilities or portions of those facilities should not be permitted in shoreline areas unless it can be demonstrated that no other reasonable option is available, except that future expansion and upgrades of the City's Water Pollution Control Facility shall be permitted provided all other requirements of this SMP are met.
5. Development of underwater pipelines and cables on tidelands should be discouraged except for deepwater outfalls and facilities where no other reasonable alternative exists.
6. Wherever reasonable, utility easements should be utilized public access.
7. New utility installations in the shoreline area should be designed to be aesthetically pleasing and to not significantly impact views from upland properties, public streets, or other public areas.
8. When fully operational, new storm drainage and sanitary sewer systems operating in shoreline areas should not adversely affect water quality nor interfere with use of the water and shoreline areas. Impacts to water quality during construction should be mitigated.

Regulations

1. Wherever reasonable, all new utilities shall be placed underground and existing above ground utilities shall be placed underground during normal replacement processes.
2. Nonwater-oriented utilities facilities shall demonstrate that no options exist before approval is granted for location within shoreline areas, except for
 - Expansion of existing facilities, including the City's Water Pollution Control Facility,
 - Utilities constructed in rights-of-way with existing facilities,
 - Utilities necessary to serve developments permitted in shoreline jurisdiction,
 - Sewer facilities necessary to transport sewage to the Water Pollution Control Facility, and
 - Water transmission and distribution lines, natural gas lines, and electric power lines, crossing the Snohomish River or other water bodies.
3. Where utility construction or maintenance activities will result in disruption of shoreline vegetation, development plans shall include provisions for temporary soil stabilization during construction and for restoration of the site to

preconstruction appearance upon completion of the project. Buffers shall be re-established and/or enhanced as required by the SMP.

4. Utility facilities shall be located and designed so as to minimize or prevent the need for shoreline protective measures.
5. Structural abutments or landfill required for permitted water crossings shall be located landward of the OHWM, unless no reasonable alternative exists.
6. New utility installations in the shoreline areas shall be designed and installed to be aesthetically pleasing, and not significantly impact views of the shoreline.
7. Except for water lines, all underwater pipelines transporting substances hazardous to aquatic life or water quality are prohibited unless no other practical alternative exists, and then only permitted by conditional use. Such facilities shall include an automatic shut off valve on both shorelines. Maintenance procedures shall be submitted with the shoreline permit application.
8. Underground (or water) utility lines shall be completely buried under the river bed in all river or stream crossings and shall be placed below normal maintenance dredging depth established in the navigation channel, except where such lines may be affixed to a bridge structure and except for appropriate water or sewage treatment intake pipes or outfalls.