

## Section 4

# Shoreline Environment Designations and Management Policies

## 4.1 Authority

The Washington State Shoreline Management Act of 1971 through WAC 173-16-040(4) requires that a land use categorization system for shoreline areas be developed by the local governments in preparation of their master programs. The amendments to Chapter 173-26 WAC provide further guidance in the designation of shoreline use environments, which have been incorporated herein. The Shoreline Use Environment Designation System is intended to provide a uniform basis for applying use activity policies and use regulations within distinctly different shoreline areas. This is accomplished by basing the environmental designations for any specific area on the following:

The existing development pattern, the biophysical capabilities and limitations of the site, and the goals and aspirations of the community.

In addition, for Shorelines of Statewide Significance, the master program designations must give preference to uses which favor public and long-range goals. The Act requires “optimum implementation” of the policy of the Act to satisfy the state-wide interest in these areas.

The Shoreline Management Act requires that when developing Shoreline Master Programs for shorelines of statewide significance, local governments shall give preference to uses in the following order of preference which

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The shoreline use environment classification system is intended to work in conjunction with local comprehensive planning and zoning existing along Everett's shoreline. The environmental designations are aimed at more accurately reflecting the existing intensity of development and identifying any bio-physical capabilities, potentials, and limitations along our shoreline, within the context of Everett's social values and economic characteristics. Consequently, the type of activity which occurs in a specific use environment must be designed and located so that the objectives of the use environment, as stated in the SMP, are achieved.

## 4.2 Classification Methodology

Shorelines in Everett and Everett's Urban Growth Area consist of the water bodies and shorelands associated with

- Port Gardner Bay,
- the Snohomish River and associated sloughs (Union Slough and Steamboat Slough),
- Silver Lake,
- Lake Stickney,
- Lake Chaplain Reservoir, and portions of Woods Creek and the Sultan River near the Reservoir.

Shorelines of Statewide Significance in Everett include

- Possession Sound/Port Gardner Bay lying seaward from the line of extreme low tide,
- the Snohomish River, including the associated sloughs, and
- the shorelands associated with the Snohomish River and sloughs, including the portion of Jetty Island within 200 feet of the ordinary high water mark on the river (east) side.

As part of the update to the Shoreline Master Plan, a comprehensive inventory was completed that identifies the resources of Everett's shoreline areas. See Section 1 for more information regarding the inventory.

Over a two year period, the Shoreline Committee was provided the inventory information, existing regulations, and draft guidelines. Based upon this information, and the policies and guidelines in RCW 90.58, WAC 173-16, the draft Guidelines (WAC 173-26), and public comment, the Shoreline Committee developed "vision statements" and shoreline designations for Everett's shoreline areas. Planning Commission also held public hearings, heard new information on the Snohomish Estuary Wetland Integration Plan (SEWIP) Salmon Overlay, reviewed the Shoreline Master Program Guidelines adopted by the Department of Ecology on November 29, 2000, and made revisions to the Shoreline Committee's designations. The designations include:

- Urban Deep Water Port
- Urban Maritime
- Urban Industrial
- Urban Mixed-Use Industrial
- Urban Multi-Use
- Shoreline Residential
- Urban Conservancy - Recreation
- Urban Conservancy
- Municipal – Water Quality

- Municipal – Watershed
- Aquatic
- Aquatic Conservancy

Except for those areas associated with Lake Chaplain Reservoir, most of the shorelines in Everett have been highly modified over the last 100 years. Given Everett's urban context documented by the comprehensive inventory, and Everett's inclusion within a Growth Management Act urban growth area, it was concluded that a large segment of Everett's shoreline would fit the "High-intensity" designation of the draft Shoreline Guidelines. To recognize the varying levels of existing development, the potential for influencing future development, and the diverse biological, ecological and economic values of the shorelines, the following more specific "high-intensity" or urban designations were developed – Urban Deep Water Port, Urban Maritime, Urban Industrial, Urban Mixed-Use Industrial, and Urban Multi-Use.

A new "Municipal Watershed" shoreline use environment designation was established for the City's Lake Chaplain Reservoir watershed that is within the jurisdiction of the SMP and for the portions of the Sultan River and Woods Creek within the City's jurisdiction.

A new "Municipal Water Quality" shoreline use environment designation was established for the City's Water Pollution Control Facility.

The "Aquatic" shoreline use environment designation is applied to certain water areas and to their underlying lands. The "Aquatic Conservancy" shoreline use environment designation was applied to areas that scored highly for salmonid habitat in the 2001 Snohomish Estuary Wetland Integration Plan Salmon Overlay. The sites included all assessment units that ranked in the top quartile of sites within the urban growth boundary<sup>1</sup>, and all sites except the Maulsby Mudflats and AU 5.03 that ranked in the top quartile within each ecological management unit (EMU) or EMU pair<sup>2</sup>. In addition, all of the nearshore areas between the Mukilteo tank farm site and the Port of Everett's south terminal were designated Aquatic Conservancy.

The "Shoreline Residential" designation applies to the existing residential areas abutting Lake Stickney and Silver Lake, as well as the residential properties above Port Gardner Bay and Maulsby Swamp.

The "Urban Conservancy" designation encompasses protection and restoration of important ecological resources, as well as provision of public access. The 1997 Snohomish Estuary Wetland Integration Plan inventory was the primary basis for designating sites Urban Conservancy. Most of the non-tidal sites that ranked in the top

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<sup>1</sup> Figure 4.11 in the 2001 Snohomish Estuary Wetland Integration Plan Salmon Overlay.

<sup>2</sup> Figure 4.10 in the 2001 Snohomish Estuary Wetland Integration Plan Salmon Overlay.

wetland group for Water Quality and Wildlife Attributes<sup>3</sup> were designated Urban Conservancy. In addition, the Urban Conservancy designation was applied to wetlands above Port Gardner Bay, a wetland in the floodplain in the Delta Yard, the “Spane” wetland mitigation site in the Marshland area, the wetland area along the Snohomish River east of Rotary Park, and two planned tidal restoration sites (the Port of Everett’s Union Slough property and the remnant tidal channel at Langus Riverfront Park). The Urban Conservancy – Recreation designation encompasses the protection and restoration of ecological resources and the provision of public access, but also provides for active recreation facilities.

Figure 4.1 shows all of the shoreline designations within Everett and Everett’s urban growth boundary. The remainder of this Section provides details for each environment, including the purpose of the environment, classification criteria, management policies, the areas designated, and more detailed maps for each area. In the event of a mapping error, the City will rely upon common boundary descriptions and the criteria contained in chapter 173-22 WAC pertaining to shorelands and wetlands, as amended, rather than the incorrect or outdated map. Any areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned the category of the contiguous shoreline environment designation until the shoreline can be redesignated through a master program amendment. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the ordinary high water mark or floodway, is no longer in floodplain jurisdiction as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this Shoreline Master Program. Note that the actual location of the ordinary high water mark, flood plain boundaries, and wetland boundaries must be determined at the time a development is proposed.

Note: The maps provided here may change after FEMA’s analysis of Everett’s floodplain boundaries and regulations. (Everett has the option of including “floodplains” in shoreline jurisdiction. However, shoreline jurisdiction extends to 200 feet beyond the “floodway” boundary. If FEMA changes Everett’s boundaries, shoreline jurisdiction may change.)

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<sup>3</sup> Figure 4.3 in the 1997 Snohomish Estuary Wetland Integration Plan.

## 4.3 Urban Deep Water Port

### Purpose

To provide areas for large scale water-dependent industries, port facilities, and supporting services that require proximity to navigable waters that can accommodate deep draft ocean-going vessels, and to ensure optimum use of shorelines that are presently industrial in nature while protecting and restoring ecological functions.

### Classification Criteria

1. Areas proximate to navigable channels approximately 25' MLLW or greater in depth, with arterial roadway and/or rail services, and with sufficient space to support water-dependent or water-related industrial activities.
2. Areas currently developed with water-dependent and water-related industrial use, military use, and support facilities.

### Area Designated (See Figure 4.2)

That area beginning at a line perpendicular to the shoreline 200 feet northeast of Pigeon Creek and continuing north to the north boundary of the US Navy base. The waterward boundary is the outer harbor line/pierhead line. The landward boundary is a line 200 feet from the ordinary high water mark.

#### **Vision Statement**

This area shall be reserved for water-dependent marine commerce and heavy industry, military use, and supporting activities. Because of the nature of these activities, public access may be provided elsewhere, consistent with the plan for creating a comprehensive system of publicly accessible sites and trails.

### Management Policies

1. Use of this land should be for port-related water-dependent uses, water-dependent and water-related industrial uses, water-dependent military use, and accessory supporting facilities and services. New nonwater-dependent/nonwater-related use activities that provide direct support for the water-dependent uses should only be permitted within 200 feet of the ordinary high water mark when the applicant

shows the use is an incidental part of the business, such as an office use, and the location is necessary for proper operation of the business.

2. Encourage expansions and re-development within areas that are already developed. Nonwater-dependent uses should be encouraged to expand outside shoreline jurisdiction when feasible. When expansions of nonwater-dependent uses occur in shoreline jurisdiction, public access and restoration of the shoreline shall be provided where feasible.
3. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Landscaping and screening should be required for new activities which have the potential for adversely affecting nearby properties.
4. Require uses to limit and screen lighting to minimize impacts on views and nearby single family neighborhoods.
5. Encourage continued efforts by public and private industries to improve the quality of air and water.

## 4.4 Urban Maritime

### Purpose

To provide an area for the intense development of maritime activities such as marinas, boating and fishing businesses, and supporting heavy commercial and industrial uses, along with a wide mix of compatible water-oriented commercial and recreational uses, and public access while protecting and restoring ecological functions. Limited nonwater-oriented commercial uses should be allowed when part of a mixed-use development that incorporates public access and ecological restoration. (Ordinance 2766-04)<sup>4</sup>

### Classification Criteria

1. Areas used for intensive water-oriented port activity, including commercial, industrial and recreational uses, but excluding those areas used primarily for deep-draft, ocean going vessels.
2. Areas that have adequate utilities and access to support intensive urban shoreline development.

### Area Designated (See Figure 4.3)

The area extending from the north property line of the US Naval Station Everett to the south property line of Parcels 0729 054 001 00 (Jeld-Wen), 0729 051 004 00 (Jeld-Wen) and 0729 051 012 00 (Sterling Asphalt/CSR). The west boundary is the East Government Pierhead Line/Harbor Line and the landward boundary is located 200 feet from the ordinary high water mark, except where the area abuts Maulsby Swamp where the east boundary is the east edge of the Burlington Northern right-of-way.

### Vision Statements

Existing Marina Area: This area shall retain working waterfront components, with priority given to a mix of maritime uses that support the marina. A wide mix of compatible water-oriented commercial uses, public access, recreational use, and supporting activities will also be encouraged. Any large-scale redevelopment of this area shall be guided by a master plan that gives priority to preservation and enhancement of the marina and its supporting uses. The master plan shall also encourage public access to and enjoyment of the shorelines and emphasize attractive, people oriented mixed-use development with significant public access, abundant public parking, a plaza or public center area, and separation between pedestrians and automobiles encouraging public movement. The master plan shall orient buildings and facilities to maximize visual access to the river channel, marina and shoreline pathway system. The mix of uses may include both water-

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<sup>4</sup> Effective 5/18/04

oriented and nonwater-oriented commercial / retail, office, hotel, public facilities, public access and ample public pathways and walkways. (Ordinance 2713-03)<sup>5</sup>

North of Boat Launch to South End of Sterling Asphalt/CSR Property: Because of its proximity to existing public services, this area should be reserved for future urban development. A wide mix of compatible water-dependent industrial, commercial, and recreational uses will also be encouraged here.

### **Management Policies**

1. Give priority to maritime uses and services, and encourage a mix of compatible water-dependent and associated water-related and marina support and recreational uses, and water-oriented commercial uses. Nonwater-oriented commercial and office uses shall only be permitted when they provide public access and are part of a master plan guided mixed-use project that includes water-dependent uses. (Ordinance 2713-03)<sup>6</sup>
2. Encourage public access, both physical and visual, and develop public attractions that provide the opportunity for people to enjoy the shoreline.
3. Encourage expansions and re-development within already developed areas.
4. Redevelopment of the mud flats area shall be allowed only for water-dependent industrial, commercial, or recreational activities, and when substantial environmental enhancement and restoration of ecological functions is included as part of the development process.
5. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Require landscaping and screening of new activities which have the potential for adversely affecting nearby properties.
6. Encourage uses to limit and screen lighting to minimize impacts on views and nearby single family neighborhoods.
7. Encourage continued efforts by public and private industries to improve the quality of air and water.

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<sup>5</sup> Effective 5/18/04

<sup>6</sup> Effective 5/18/04

## **4.4A Urban Maritime Interim**

### **Purpose**

To provide an interim designation for a shoreline area that is characterized by high natural and economic resources of statewide importance that will allow the City and the Port, in cooperation with Ecology, interested agencies and members of the public, to conduct special area planning for the Maulsby Mudflats. This planning will commence within six months of the approval of the City's updated SMP, with the goal of completing the subarea plan in 18 months.

### **Area Designated – Urban Maritime Interim**

Salmon Overlay assessment unit (AU) 5.08 known as Maulsby Mudflats as depicted on Figure 4.3.

### **Management Policies**

In addition to those policies that apply to the Urban Maritime Designation the following policies shall apply:

1. The subarea planning process will result in a subarea plan and/or shoreline use regulations that will be incorporated into the City's and Port's comprehensive plans, including the Shoreline Master Program and zoning code as applicable.
2. While the plan is being prepared, the City and Port of Everett will not take actions that will limit the choice of reasonable alternatives in the planning for, or that will result in any significant impact to shoreline resources in, the Maulsby Mudflat (AU 5.08). The City will review applications for development by applicants in AU 5.08 to assure that such development would not limit the choice of reasonable alternatives that are being considered in the subarea planning process or that will result in any significant impact to shoreline resources in the planning area.
3. The State of Washington may exercise independent authority including but not limited to, the Coastal Zone Management Act and Section 401 of the Clean Water Act, consistent with the authority granted thereby, either alone or in concert with action pursuant to the Shoreline Management Act to assure that any development proposed within the study area is consistent with the purpose of this interim environment designation and the policy of the Shoreline Management Act including provisions related to Shorelines of Statewide Significance.

## Contents of Subarea Plan

The plan will address the following, applying the data and analysis of SEWIP and the SEWIP Salmon Overlay, consideration of best available science and cumulative impact analysis, water-dependent uses, and other applicable GMA/SMP elements:

1. specific areas to be preserved (or whose functions cannot be impaired or replaced), if any;
2. types of uses that could be appropriate or would not be appropriate, in portions or all of the Maulsby Mudflat area;
3. opportunities and priorities for restoring or enhancing ecological functions in the Maulsby Mudflat area and the Maulsby Swamp, or functionally connected habitats in the estuary, and cumulative benefits that could be achieved by a comprehensive approach to the navigational and ecological values in this harbor area;
4. consistency with the Shoreline Management Act including Shorelines of Statewide significance criteria, the comprehensive plan, harbor area designations, and other applicable designations;
5. the appropriate shoreline environment designation for the area, based on the above analysis, including evaluating whether a new designation is needed and whether the entire area should have the same designation;
6. policies and use regulations in the SMP, critical area regulations, and other development regulations; and
7. measures or methods to monitor implementation of the plan and the cumulative effects of any future development.

### **Integrated document.**

It is the intent to use the GMA/SEPA integration option to prepare a combined plan and nonproject environmental document to assist in planning, public and agency review, and decision making, as encouraged by Ecology rules and policy.

## 4.5 Urban Industrial

### Purpose

To provide areas for high intensity water-dependent and water-related industrial uses along navigation channels accessible to shallow draft vessels, and to ensure optimum use of shorelines that are presently industrial in nature while protecting and restoring ecological functions.

### Classification Criteria

1. Shorelines that front on navigable waters of varying depth and have varying levels of upland access.
2. Areas highly modified by past industrial activities.

### Area Designated

1. The area south and west of the Snohomish River extending from the north boundary of the Urban Maritime Environment to the southernmost edge of the SR 2 right-of-way, except for the City-owned property located north of the I-5 crossing of the Snohomish River (parcel number 1629 053 002 00). The waterward boundary is the ordinary high water mark. The landward boundary is 200 feet from the ordinary high water mark or 200 feet from the floodway, whichever is further inland. (See Figures 4.4, 4.5, and 4.6) (*Ordinance 3053-08, effective 12-24-09*)
2. The area within 200 feet of the ordinary high water mark of Maulsby Swamp located west of the east line of the Burlington Northern right-of-way and north of the Urban Maritime environment. (See Figure 4.4)
3. The M-2, Heavy Manufacturing and B-2, Community Business with contract zoned property within shoreline jurisdiction located in south Lowell near the River bend. All M-2 zoned property within the floodplain and/or within 200 feet landward of the floodway or OHWM located west of the BNSF right-of-way. (See Figure 4.20) (*Ordinance 3053-08, effective 12-24-09*)

### Vision Statement

This traditionally heavy manufacturing area should continue to be used for heavy industrial purposes. Lands adjacent to the river (within 200 feet of the shoreline) shall be reserved for water-dependent uses and water-related activities, while other lands

within the area may be used for non-water-dependent uses. Public access may be provided where it does not conflict with safety and security (see Condition 2 on page 3-22). When public access cannot be provided in this area, it will be provided elsewhere consistent with the plan for creating a comprehensive system of publicly accessible sites and trails.

Future SMP and Comprehensive Plan changes should consider allowing multiple family residential use in the area south of I-5.

## **Management Policies**

1. For that portion of the area which is downriver of the SR 529 bridge, shorelands should be reserved for water-dependent and associated water-related heavy industrial and commercial uses, habitat preservation, and public access.
2. Urban Industrial shorelands which are upriver from the SR 529 bridge may be used for nonwater-dependent industrial, heavy commercial, and recreational uses, provided that public access, buffers and rehabilitation of ecological functions is provided along the river shoreline.
3. Encourage expansions and re-development within already developed areas.
4. Give priority to existing industries and those new industries which are dependent on a shoreline location.
5. Encourage landscaping and screening of existing and new activities which have the potential for adversely affecting nearby properties.
6. Encourage uses to limit and screen lighting to minimize impacts on views and nearby residential neighborhoods.
7. Encourage continued efforts by public and private industries to improve the quality of air and water.

## 4.6 Urban Mixed-Use Industrial

### Purpose

To provide area for new commercial, industrial, and recreational activities which are dependent upon waterfront locations on navigable waters, or for non-water dependent uses on parcels not contiguous to the shoreline; and to provide for protection and restoration of suitable estuarine environments.

### Classification Criteria

1. Areas north of the main Snohomish River channel which are tidally connected to the estuary and/or within the 100-year floodplain.
2. Areas north of the main Snohomish River channel with existing industrial and commercial uses.
3. I-5 right-of-way on Smith and North Spencer Islands.

### Area Designated (See Figure 4.7)

Smith and Spencer Islands: Those areas of Smith and North Spencer Islands located west of the I-5 city limits and north of the City-owned Langus Riverfront Park, but excluding the Port of Everett mitigation site that is designated Urban Conservancy. The waterward boundary is the ordinary high water mark. The western boundary is the City's Urban Growth Boundary. Exception: Properties located more than 200 feet landward from the OHWM and the floodway, that do not contain associated wetlands, and that are not in the floodplain are not in shoreline jurisdiction. (*Ordinance 3053-08, effective 12-24-09*)

### Vision Statement

These islands contain significant opportunities for both economic development and environmental restoration. Areas that make the most sense based on scientific studies should be set aside for salmon habitat restoration and wetland mitigation. Lands adjacent to the Snohomish River should be reserved for a compatible mix of water-dependent industrial, commercial, and recreational uses.

### Management Policies

1. For that portion of the area which is located along the main channel of the Snohomish River and downriver from the SR 529 bridge, shorelands should be

reserved for water-dependent and water-related heavy industrial, commercial, and recreational uses; habitat preservation; and public access.

2. Shorelands which are located along the main channel of the Snohomish River upriver from the SR 529 bridge, or along Union or Steamboat Sloughs may be used for nonwater-dependent industrial and heavy commercial uses, and recreational uses, provided that such uses shall provide public access and buffers, and shall provide rehabilitation of ecological functions along the shoreline as applicable.
3. Nonwater-dependent uses should be allowed on properties that do not have frontage of the water's edge. Such uses shall provide public access and environmental restoration, as applicable.
4. Based upon the Snohomish Estuary Wetland Integration Plan and other best available science, encourage projects that enhance habitat for endangered species, and return the estuary to a more natural state.
5. Encourage expansions and re-development within already developed areas.
6. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Require landscaping and screening for new activities which have the potential for adversely affecting nearby properties.
7. Encourage uses to limit and screen lighting to minimize impacts on views.
8. Encourage continued efforts by public and private industries to improve the quality of air and water.

## 4.7 Urban Multi-Use

### Purpose

To ensure optimum use of shorelines within urbanized areas by providing for water-oriented public and commercial activities, recreational and residential uses, and public access, and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses, while protecting and restoring ecological functions.

### Classification Criteria

1. Areas not contiguous to portions of the river containing the maintained navigation channel, and therefore not ideal for water-dependent or water-related industrial and commercial uses.
2. Multiple family and commercially zoned properties located north and east of Silver Lake and abutting SR 527. In most cases the developable portions of these properties are separated from Silver Lake by SR 527.
3. The portion of the Mukilteo Tank Farm site located within Everett City limits. This area is currently planned to be developed cooperatively with lands in the City of Mukilteo for a mixed-use development to include some combination of recreational use, pedestrian paths and promenades, and commercial uses.

### Area Designated

1. **Former Mukilteo Tank Farm Site (See Figure 4.8):** This approximately 3 acre area is bounded on the west by the City limits. The waterward boundary is the ordinary high water mark. The southern boundary is 200 feet from the ordinary high water mark.

#### **Vision Statement**

The City of Everett shall redevelop its lands cooperatively and consistently with adjacent jurisdictions so that the entire site is an attractive and active waterfront with integrated commercial, transportation, and recreational components.

2. **Lands Along the SR 527 Corridor Contiguous to Silver Lake (See Figure 4.11):**
  - a. The area to the north and east of the west right-of-way line of 19<sup>th</sup> Ave. SE within 200 feet of the ordinary high water mark of Silver Lake, from the

east property line of parcel number 4943 005 001 00 to the edge of shoreline jurisdiction between Lake Heights Drive and 120<sup>th</sup> Street SE.

- b. All land within 200 feet of the ordinary high water mark of the lily pond located north of 116<sup>th</sup> Street SE.
- c. Emory's Lakehouse Restaurant: The area included in parcel 3028 051 032 00. The western boundary is the ordinary high water mark.

**Vision Statement**

Development of commercial lands and multiple family zoned lands in this area should require high quality site development and building design standards, taking advantage of the view of Silver Lake, and should provide improvements to the pedestrian trail system surrounding the lake.

- 3. **Lands located along the Snohomish River south of the SR 2 bridge and north of 36<sup>th</sup> Street (See Figure 4.12) :** That area extending from the southernmost property line of the SR 2 right-of-way to the center line of the 36<sup>th</sup> Street right-of-way. The eastern boundary is the ordinary high water mark. The western boundary is 200 feet from the ordinary high water mark or 200 feet from the floodway, whichever is further inland. (*Ordinance 3053-08, effective 12-24-09*)

**Vision Statement**

This area shall be developed with high quality mixed-use development including multiple family residential, office park, light commercial and high quality public access on the site.

- 4. **Tire Fire/Landfill Site (See Figure 4.13, 4.14):** That area extending from the centerline of 36<sup>th</sup> Street to a buffer a minimum of 50 feet from Bigelow Creek and associated wetlands. For the northern 400 feet, the eastern boundary is the ordinary high water mark of the Snohomish River. For the remaining area, the eastern boundary is the west edge of the BNSF right-of-way or the west edge of any wetlands that extends west of the BNSF right-of-way, whichever is further inland. (edge of Urban Conservancy environment). The western boundary is 200 feet from the ordinary high water mark or 200 feet from the floodway, whichever is further inland. (Note that most of the tire fire/landfill site is outside of shoreline jurisdiction.) (*Ordinance 3053-08, effective 12-24-09*)

**Vision Statement**

The tire fire/landfill site shall be developed as a high quality, master planned "lifestyle entertainment center". The master plan shall encourage public enjoyment of the river and shorelines and

emphasize an attractive, people oriented mixed-use commercial center with significant public access, abundant parking, a plaza or public center area, and separation between pedestrians and automobiles encouraging pedestrian movement. The master plan shall orient buildings and facilities to maximize visual access to the river, estuary and mountain views and provide visual and direct access to the river and prominent riverfront trails. Examples from which to draw design and land use concepts include but are not limited to: Granville Island and Nanaimo in British Columbia, Portland's Riverfront, Pickering Farms in Issaquah, and Carillon Point in Kirkland. However, the design master plan should be tailored to Everett's needs and overall vision for the riverfront. The mixed uses may include commercial/retail, office, multifamily residential, public access to the shoreline, and ample trails and walkways.

5. **Developable Portion of Simpson Site (See Figure 4.14):** The area in the center of the Simpson site that is in or within 200 feet of the floodway or the OHWM and that is not buffer required by the SMP around the surrounding wetlands. (*Ordinance 3053-08, effective 12-24-09*)

#### **Vision Statement**

The vision for the 45-acre "development pad" on the 136-acre Simpson site is an attractive, master planned campus-like office park or high quality mixed use office/residential development. A possible use for this site could be the headquarters for a high quality high tech company. The remainder of the Simpson site will be for conservation and park purposes except for transportation and utility access. The riparian corridor along the river will be preserved with public access including a trail. The southern portion of the site should be open space and park use. A road connecting the River Road with the 41<sup>st</sup> interchange via the development pad may be located on the southern portion of the site.

### **Management Policies**

1. Mukilteo Tank Farm Site. This site shall be planned and developed cooperatively as part of a water-oriented mixed-use development per the memorandum of understanding between the City of Everett, City of Mukilteo, Port of Everett, Department of Transportation Ferry System, and Sound Transit.
2. Silver Lake. Water-oriented uses, such as restaurants with views of the waterfront are encouraged in commercially zoned areas. However, nonwater-oriented

- commercial, and/or multiple family residential uses should be allowed in this area, provided the development provides views to Silver Lake from and through the site. Public access should be provided along the entire shoreline with linkages from all new development to the shoreline trails.
3. Area south of Highway 2. Encourage high quality mixed-use development, including multiple family residential, office park, and light commercial uses. Water-oriented uses, such as restaurants with views of the waterfront are encouraged. However, non-water-oriented commercial, and/or multiple family residential uses should be allowed in this area, provided the development provides views to the Snohomish River from and through the site. High quality public access should be provided along the entire shoreline. Access shall be located so that it does not significantly impact habitat for endangered species.
  4. Simpson and Tire Fire/Landfill Sites. Development of these sites should be of a high quality design and should only occur after approval of a master plan involving a public review of the site plans through the Planned Development Overlay Process.
  5. Except as necessary to accommodate access to the water necessary for the operation of water-dependent and/or water-related uses, all uses shall provide buffers and rehabilitation of ecological functions along the shoreline, when the property fronts on the shoreline. Public access may be provided in portions of the buffer.
  6. Extension of the existing trail system and connection to other public access improvements and park amenities shall be required as properties within this area are developed.
  7. Land uses and activities that are incompatible with and discourage high quality waterfront redevelopment shall be prohibited.
  8. Commercial and multiple family developments around Silver Lake shall be of a high quality design and shall take advantage of views of the lake.
  9. Enhance public recreational activities at Silver Lake by providing public facilities such as picnic areas, habitat settings, fishing and boating docks that supplement park activities at Thornton A. Sullivan and Hauge Homestead Parks.
  10. Encourage landscaping and screening of existing activities which have the potential for adversely affecting nearby properties. Require landscaping and screening of new activities which have the potential for adversely affecting nearby properties.

11. Encourage uses to limit and screen lighting to minimize impacts on views and residential areas when applicable.

## 4.8 Shoreline Residential

### Purpose

The purpose of the Shoreline Residential use environment is to:

- provide for a continuation of residential and accessory uses,
- protect steep slope areas that are unsuitable for further development, and
- provide for compatible shoreline public access activities.

### Classification Criteria

Properties abutting Silver Lake in Sections 30 and 19, Township 28N, Range 4E; Maulsby Swamp, Port Gardner Bay, and Lake Stickney that are designated single or multiple family residential on the Comprehensive Plan, except for the Swamp Creek wetland and buffer located at the northwest portion of Lake Stickney, and except for the property located south of Thornton A. Sullivan Park acquired in 1999 by the City of Everett for park purposes.

### Area Designated

1. **The residential properties abutting Silver Lake that are located west of SR 527 (See Figure 4.11):**
  - The area located north of Silver Lake extending from the east property line of Thornton A. Sullivan Park to the east property line of parcel number 4943 005 001 00. The shoreline jurisdiction includes the land within 200 feet of the ordinary high water mark of Silver Lake.
  - The area south and west of Silver Lake extending from the south property line of the recently purchased city-owned park land (the north property line of parcel number 5749 000 013000) to the west boundary of Hauge Homestead Park. The shoreline jurisdiction includes the land within 200 feet of the ordinary high water mark of Silver Lake.

#### **Vision Statement**

Residential and park use will continue in this area.

2. **Lake Stickney (See Figure 4.15):** All lands on the north, east and south portions of Lake Stickney between the west property line of parcel number 3740 000 027 00 (lot 27 of the Replat of Lots 5 & 6 Block 7 Alderwood Manor No. 11) to the northwest property line of parcel number 4939 000 055 00 (lot 55 of Lake

Stickney Tracts) . The shoreline jurisdiction includes the land within 200 feet of the ordinary high water mark of Lake Stickney and associated wetlands.

**Vision:**

Single family use around Lake Stickney will continue. The public access, wetlands and streams at the north and west portions of the lake will be preserved.

3. **Lowell-Larimer Road: (See Figure 4.20)** The properties designated residential on the Comprehensive Plan that are located in the floodplain along Lowell-Larimer Road south of Lowell. (*Ordinance 3053-08, effective 12-24-09*)
4. **Above Maulsby Swamp: (Figure 4.3, 4.17)** The properties designated residential on the Comprehensive Plan that are located within 200 feet of the ordinary high water mark of Maulsby Swamp.
5. **Above Port Gardner Bay: (Figures 4.8, 4.9 and 4.10)** All of the properties designated residential on the Comprehensive Plan that are located south and east of the BNSF south and east property lines above Port Gardner Bay, except for the Mukilteo Tank Farm site and the associated wetlands in shoreline jurisdiction which are designated Urban Conservancy.

## Management Policies

1. Residential and accessory uses, recreation facilities, and public access shall be the preferred uses.
2. Steep slopes shall be protected per the requirements of EMC 19.37 and this SMP.

## 4.9 Urban Conservancy - Recreation

### Purpose

The purpose of the Urban Conservancy - Recreation environment is to:

- provide public access for enjoyment of marine, lake and river shorelines,
- allow for the development of public recreational facilities,
- provide for protection of important ecological resources and rehabilitation of significant wetland and habitat areas. *(Rev. 11/17/05)*

### Criteria for Designation

Areas which include one or more of the following characteristics:

1. Areas suitable for public access, water-enjoyment recreational uses, and active recreation developments.
2. Floodplains that have been altered by agricultural activities.
3. Areas developed at a very low density or used at a low to moderate intensity, including, but not limited to residences, agriculture, and outdoor recreation development.
4. Areas not planned for intensive urban development that have the potential for ecological rehabilitation.

### Areas Designated

1. **Park zoned properties located south and southeast of the BNSF southeast property lines between the Mukilteo Tank farm site and the Port of Everett's south terminal (See Figure 4.10):** All of the park zoned properties located south and southeast of the BNSF property lines, except for the wetlands designated Conservancy. This includes portions of Howarth Park and Forest Park.
2. **Park zoned properties located above Maulsby Swamp (See Figure 4.17):** All of the park zoned property within 200 feet of the ordinary high water mark of Maulsby Swamp.
3. **Langus Riverfront Park (See Figure 4.19):** All of the city-owned property located east of the ordinary high water mark of the Snohomish River and west of the east edge of the I-5 right-of-way, except for the cut-off tidal channel. The waterward boundary is the ordinary high water mark.

4. **South Simpson Site (See Figure 4.14):** All of the Simpson site/BNSF right-of-way located south of the development pad in shoreline jurisdiction, except for Bigelow Creek and the Category 1 wetlands and their associated buffers required by the SMP and the buffer along the Snohomish River required by the SMP. The west boundary is 200 feet from the OHWM; 200 feet from the floodway; or the western floodplain boundary (but extending no further than the west edge of the BNSF right-of-way), whichever is further west. (*Ordinance 3053-08, effective 12-24-09*)
5. **Rotary Park (See Figure 4.20):** All of Rotary Park. The north boundary is the OHWM of the Snohomish River, the south boundary is the northern edge of Lowell Snohomish River Road, the east and west boundaries are the City of Everett Rotary Park property lines. (*Rev. 11/17/05*)

#### **Vision Statement**

The Category 3 wetlands on the Simpson site will be for conservation and park purposes, except for transportation and utility access. The southern portion of the site should be open space and park use. A road connecting the River Road with the 41<sup>st</sup> interchange via the development pad may be located on the southern portion of the site.

#### **Vision Statement**

Rotary Park will be used for public parks and public access, and restoration/mitigation. (*Rev. 11/17/05*)

6. **Silver Lake (See Figure 4.11):** The City-owned Thornton A. Sullivan Park on Silver Lake and the property recently purchased by the City for park expansion. (Parcels 3028 051 002 00, 3028 051 008 00, 3028 051 036 00, 3028 051 038 00). The waterward boundary is the ordinary high water mark. The western boundary is 200 feet from the ordinary high water mark.
7. **Silver Lake (See Figure 4.11):** The City-owned Hauge Homestead Park property in the southeast corner of Silver Lake. The waterward boundary is the ordinary high water mark. The east boundary is 200 feet from the ordinary high water mark.

## **Management Policies**

1. Active recreation facilities, transportation and utility facilities, and public access improvements should be allowed on lands designated Urban Conservancy – Recreation. During development, all reasonable efforts should be taken to protect and/or mitigate impacts to wetlands and other sensitive shoreline resources. In

carrying out this policy, consideration should be given to promoting functional connectivity and other landscape ecology principles and recognizing that the function of some patches of remnant or artificially-created critical areas may be improved by relocating or consolidating them into larger or more connected systems with higher resource values.

2. Shoreline rehabilitation and public access should be required of all nonwater-dependent development.
3. Water-dependent recreational uses will be given priority in locations contiguous to navigable waters.
4. Allow development of nonwater-dependent public recreation facilities on publicly owned lands that are located within the floodplain of the Snohomish River.
5. The wetlands and buffer vegetation on the Rotary Park property should be protected.
6. Ballfields or other active recreation facilities should be allowed in the southern portion of the Simpson site.
7. New construction of structures in the floodplain areas should be limited to structures with low flood damage potential. When development is allowed within floodplain areas, necessary measures shall be taken to protect property from damages that could be caused by flooding. New development in floodplain areas should reflect the character of the surrounding area by limiting residential density, providing permanent open space, and maintaining adequate building setbacks from the water to protect shoreline resources.
8. Manage City park lands on Silver Lake for a wide variety of public access opportunities. Connect City-owned park lands with the pedestrian trail system and private property public access improvements that are developed as private properties develop.
9. Manage Langus Riverfront Park for recreation and shoreline public access, and as an interim dredged materials handling facility.
10. Manage the steep slope areas in park zones above the BNSF railroad above Port Gardner Bay by requiring development to comply with the City's regulations for geologically hazardous areas.
11. Manage City park facilities to preserve shoreline vistas and public access to the shoreline.

12. Provide safe pedestrian access improvements over or under the railroad tracks to the beach wherever possible.
13. Allow uses and activities, including public access, which result in educational and scientific benefits for the community.

## 4.10 Urban Conservancy

### Purpose

The purpose of the Urban Conservancy use environment is to:

- provide public access for enjoyment of marine, lake and river shorelines, and to
- provide for protection of important ecological resources and rehabilitation of significant wetland and habitat areas,

### Criteria for Designation

Areas which include one or more of the following characteristics:

1. Areas suitable for public access.
2. Areas not planned for intensive urban development that have the potential for ecological rehabilitation.
3. Areas with important ecological resources that should be protected from further development activities.
4. Areas along Port Gardner Bay modified by railroad activities.
5. Areas that ranked high in the 1997 SEWIP for water quality and wildlife functions.

### Areas Designated

1. **Jetty Island (See Figure 4.16):** All of Jetty Island above the ordinary high water mark.
2. **Adjacent to Maulsby Swamp (See Figure 4.17):** All of the property within 200 feet of the ordinary high water mark of Maulsby Swamp located west of the east Burlington Northern right-of-way line, except for the properties zoned Residential or Park.
3. **The Port of Everett Property west of I-5 (See Figures 4.7 and 4.18):** Parcel 0429 053 005 00 and the portion of Parcel 0429 052 005 00 located south of a line connecting the north side of the pond and north side of the slough extension into the site. Along Union Slough, the waterward boundary is the ordinary high water mark. The eastern boundary is the city limit.

4. **Langus Riverfront Park (See Figure 4.19):** The cutoff tidal channel below the ordinary high water mark.
5. **Ferry Baker Island and Weyco Island in the Snohomish River (See Figure 4.19):** All of Ferry Baker Island and Weyco Island above the ordinary high water mark. (Ordinance 3053-08, effective 12-24-09)
6. **City-owned parcel located southwest of Weyco Island and north of I-5 (See Figure 4.19):** That area owned by the City of Everett contiguous to the west bank of the Snohomish River in the SW-1/4 of Section 16-29-5 (parcel number 1629 053 002 00) within 200 feet of the OHWM or 200 feet of the floodway, whichever is further inland. (Ordinance 3053-08, effective 12-24-09)
7. **Simpson Site (Figure 4.14):** Bigelow Creek and the Category 1 wetlands and their buffers required by the SMP, along with the riparian corridor along the entire east edge of the property required by the SMP.

The waterward boundary is the ordinary high water mark of the Snohomish River provided that any portion of the northern Category 1 wetland between the OHWM and the Aquatic Conservancy area is also Urban Conservancy. The western boundary for the northern Category 1 wetland and Bigelow Creek is the line that corresponds to the existing west edge of the Burlington Northern right-of-way and any wetlands that extend beyond the west edge of the right-of-way. Interior boundaries are the edge of the buffers adjacent to Bigelow Creek and the Category 1 wetlands required by the SMP. The western/interior boundary for the riparian corridor along the River is 200 feet from the floodway, or 200 feet from the OHWM, or the buffer required by the SMP for the wetlands in the corridor, whichever is further west. (Ordinance 3053-08, effective 12-24-09)

#### **Vision Statement**

The Category 1 wetlands and the riparian corridor on the Simpson site will be for conservation, except for transportation and utility access. The riparian corridor along the river will be preserved with public access including a trail.

8. **East of Rotary Park and north of Lowell-Larimer Road (See Figure 4.20):** The waterward boundary is the ordinary high water mark. The southern boundary is the north edge of the Lowell – Snohomish River Road. The west boundary is Rotary Park. The east boundary is the City limit.
9. **Portions of the Marshland Site (See Figure 4.20):** The Spane wetland mitigation site; the forested wetlands in 1997 SEWIP AUs numbered 193, 196, 202; and the Simpson Paper Co. landfill surrounded by SEWIP AU 196. (Ordinance 3129-09, effective 3-17- 2011)

10. **Lake Stickney (See Figure 4.15):** All lands on the north and west portions of Lake Stickney between the west property line of parcel number 3740 000 027 00 (lot 27 of the Replat of Lots 5 & 6 Block 7 Alderwood Manor No. 11) to the northwest property line of parcel number 4939 000 055 00 (lot 55 of Lake Stickney Tracts). The waterward boundary is the ordinary high water mark. The outer boundary is 200 feet of the ordinary high water mark of Lake Stickney or the edge of associated wetlands, whichever is greater.
11. **City-owned parcels located between SR 527 and the east shoreline of Silver Lake (See Figure 4.11):** The area on the lake side of SR527/19<sup>th</sup> Ave. SE extending from the east property line of parcel number 4943 005 001 00 to the north property line of parcel 3028 051 032 00 (Emory's Lakehouse Restaurant). The waterward boundary is the ordinary high water mark. The landward boundary is the south and west right-of-way line for SR 527/19<sup>th</sup> Ave. SE

## Management Policies

1. Lands designated Urban Conservancy should be protected, restored, and enhanced to the extent feasible, while allowing necessary transportation and utility facilities and public access improvements. During development, all reasonable efforts should be taken to preserve, restore and/or enhance ecological functions, and prevent further degradation of shoreline resources. In carrying out this policy, consideration should be given to promoting functional connectivity and other landscape ecology principles and recognizing that the function of some patches of remnant or artificially-created critical areas may be improved by relocating or consolidating them into larger or more connected systems with higher resource values.
2. Shoreline rehabilitation and public access should be required of all development when feasible.
3. Protect important habitat areas and ecological resources from further intensive development. Allow uses and activities, including public access, ecological enhancement and restoration, research, and public interpretive facilities which result in educational and scientific benefits for the community.
4. Land contiguous to the Snohomish River should be developed with trails, while protecting and enhancing important shoreline resources.
5. New construction of structures in the floodplain areas should be limited to structures with low flood damage potential. When development is allowed within

- floodplain areas, necessary measures shall be taken to protect property from damages that could be caused by flooding.
6. Manage Jetty Island for passive public recreation and wildlife habitat value.
  7. Allow the placement of dredged materials for the purposes of habitat enhancement, beach enhancement, and public recreation when not harmful to the ecological functions of the Jetty Island shoreline.
  8. Allow for the continued use, maintenance, expansion and relocation of railroad facilities, public roads and highways within the shoreline jurisdiction, except that the expansion of railroad facilities along Port Gardner Bay south and west of the Port of Everett's south terminal should be discouraged.
  9. Manage City park facilities to preserve shoreline vistas and public access to the shoreline.
  10. Provide safe pedestrian access improvements over or under the railroad tracks to the beach wherever possible.
  11. Manage Ferry Baker Island and Weyco Island for passive recreational opportunities and wildlife habitat value.
  12. Manage Maulsby Swamp for wildlife habitat and educational values.
  13. Manage the Simpson wetlands and Bigelow Creek for wildlife habitat, water quality, and educational values. Restoration of the Category 1 wetlands and stream corridor should be encouraged.
  14. Manage the Lake Stickney wetlands for wildlife habitat and water quality values.
  15. Encourage restoration and enhancement of the Urban Conservancy designated areas in the Marshland consistent with the Marshland Subarea Plan. Encourage environmental remediation, as appropriate, and restoration of the Simpson Paper Company landfill. (*Ordinance 3129-09, effective 3-17-2011*)

## **4.11 Municipal – Water Quality**

### **Purpose**

To provide for the continued operation, maintenance, and expansion of the City's Water Pollution Control facility as necessary to protect the public health, safety and welfare, while encouraging public access and wetland restoration actions that will not conflict with the facility.

### **Classification Criteria**

Areas currently owned by the City of Everett containing the City's Water Pollution Control Facility.

### **Area Designated (See Figure 4.21)**

Portion of Smith Island within the City limits located east of the east right-of-way line of I-5. The waterward boundary is the ordinary high water mark. Provided that any area located more than 200 feet from the OHWM and floodway and that is not in the floodplain is not in shoreline jurisdiction. (Ordinance 3053-08, effective 12-24-09)

### **Vision Statement**

The City's Water Pollution Control Facility will continue to operate and expand in this area. Activities associated with the operation and maintenance of the facilities will be permitted. Public access and environmental restoration will be encouraged to the extent they do not conflict with the operation and expansion of the sewage treatment facilities.

### **Management Policies**

1. Provide sewage treatment facilities if environmental impacts can be mitigated.
2. Maintenance, repair, and expansion or improvements to the City's water pollution control facility shall be a permitted activity.

## 4.12 Municipal - Watershed

### Purpose

The Municipal Watershed Environment is an area in and around Chaplain Reservoir (within shoreline jurisdiction) that specifically functions as a municipal watershed supplying domestic and industrial water to the City of Everett and the majority of residents in Snohomish County. The quality of surface water and associated public health and safety are of paramount importance under this designation. Except for specific permitted activities, public access is to be prohibited. Activities are allowed under this designation only if they have little or no potential to degrade or contaminate water quality.

A shoreline shall be designated Municipal Watershed to ensure that uses are compatible with the stated City priority of public health and safety. Activities shall be consistent with the specific goal of the City to provide a safe and adequate supply of water to Everett and other purveyors. Activities shall also be consistent with the FERC approved Wildlife Habitat Management Plan.

### Classification Criteria

Areas to be designated Municipal Watershed should relate to two or more of the following:

1. Areas recognized as integral parts of the Chaplain Reservoir watershed;
2. Areas where development and increased human use will potentially jeopardize water quality;
3. Areas that, if specifically protected, would enhance the City's ability to provide a safe and adequate water supply;
4. Areas in which, through specific improvements such as erosion control structures, the City's ability to provide a safe and adequate water supply would be enhanced.

### Areas Designated (See Figure 4.22)

All areas of the Lake Chaplain Reservoir that are subject to shoreline jurisdiction as defined in RCW 90.58.030, including the surface of the reservoir and its water column.

Those portions of the Sultan River and Woods Creek within the Everett City limits. The boundaries shall include the water column and the land underneath the water and the lands extending to 200 feet beyond the ordinary high water mark and associated

wetlands.

**Vision Statement**

This area shall be managed to provide a safe and adequate water supply to the City of Everett and other customers. Permitted uses should be limited to municipal water supply facilities, and uses and activities accessory to the provision of municipal water. In order to protect water quality, public access would be prohibited within the watershed hydrologic boundaries and limited within the remaining incorporated Chaplain Tract.

**Management Policies**

1. Establish long-term water quality protection (public health and safety) as top priority within the Municipal Watershed Environment, including prohibiting public access.
2. Permit specific activities and development designed to provide adequate water supply and enhance and ensure water quality within the Municipal Watershed Environment.
3. Prohibit activities and uses of the Municipal Watershed Environment which may jeopardize water quality protection (public health and safety).
4. Allow activities required by the Federal Energy Regulatory Commission (FERC) License for the Jackson Hydroelectric Project and the Washington State Department of Health.
5. Allow modification of and additions to structures and pipes related to the Jackson Hydroelectric Project.

## 4.13 Aquatic

### Purpose

The purpose of this designation is to protect the unique characteristics and resources of the aquatic environment by managing use activities to prioritize preservation and restoration of natural resources, navigation, recreation, and commerce, and by assuring compatibility between shoreland and aquatic uses.

### Classification Criteria

1. All marine water areas seaward of the ordinary high water mark, except for the area within the Urban Deep Water Port Environment inside the outer harbor line, and except for the area within the Urban Maritime Environment landward of the government pier head line, and except for the SEWIP assessment units designated Aquatic Conservancy.
2. All lakes subject to this program below the ordinary high water mark, excluding the Lake Chaplain Reservoir.
3. All stream channels of rivers designated shorelines of the state, except for the portions of Woods Creek and the Sultan River in the Everett city limits, and except for the SEWIP assessment units designated Aquatic Conservancy.
4. The aquatic environment includes the water surface together with the underlying lands and the water column.

### Area Designated (See Figure 4.23)

All water bodies within the City limits of Everett and its Urban Growth Boundary under the jurisdiction of the Shoreline Management Act waterward of the shoreline environment designations established above, except for water bodies in the Municipal Watershed Environment and areas designated Aquatic Conservancy, Urban Deep Water Port, or Urban Maritime. This includes

- All water areas of Port Gardner Bay waterward of the ordinary high water mark, except for the portion inside the outer harbor line/pierhead line in the Urban Deep Water Port Environment, and the SEWIP assessment units designated Aquatic Conservancy.
- All water areas of the Snohomish and its sloughs waterward of the ordinary high water mark, except for the portion inside the pierhead line in the Urban Maritime Environments, and the SEWIP assessment units designated Aquatic Conservancy.
- All water areas waterward of the ordinary high water mark in Silver Lake, and

- All water areas waterward of the ordinary high water mark in Lake Stickney.

The aquatic environment includes the water surface together with the underlying lands and the water column of such areas.

### **Management Policies**

1. Over-water structures should be allowed only for water-dependent uses, transportation and utility facilities, and public access. Except for public bridges and utilities, over water structures cannot extend beyond the harbor line/pierhead line. Over-water structures refer to structures that are located on or above the surface of the water.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. Uses and activities within the Aquatic Environment should be compatible with the adjoining shoreline environments.
4. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged, provided that use conflicts can be avoided.
5. All developments and use activities on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
6. Uses that cause significant adverse impacts to critical saltwater and fresh water habitats should not be allowed. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence defined under mitigation.
7. Diverse public access opportunities to water bodies should be encouraged and developed and should be compatible with the existing shorelines and water body uses.
8. For Lake Stickney and Silver Lake, fishing and recreational uses of the water should be protected against competing uses that would interfere with these activities.
9. Dredging should be allowed for environmental restoration, including milfoil removal, maintenance of existing water-dependent uses, including recreational

uses, navigation channel maintenance, and for new water-dependent uses to get from the shore to the dredged navigation channel.

New deep draft uses, if allowed, should not occur in areas requiring extensive initial or maintenance dredging.

10. With exceptions for boat launching areas and other permitted water-dependent uses, motorized vehicular travel other than boats should be discouraged on all tideland areas.
11. Development of underwater pipelines and cables on tidelands should be discouraged, except where there would be short-term impact and overall benefit to shoreline and environmental quality. When permitted, such facilities should include adequate provisions to insure against substantial or irrevocable damage to the environment. Reconstruction or replacement facilities should maintain or improve shoreline and environmental quality.
12. Where the State owns the abutting shorelands, priority should be given to joint development of the shorelands and tidelands for public use.
13. Long-term off-shore boat moorage which causes adverse visual and/or environmental impacts should be discouraged.

## 4.14 Aquatic Conservancy

### Purpose

The purpose of this designation is to protect the unique characteristics and resources of the aquatic environment by managing use activities to prioritize preservation and restoration of natural resources, navigation, recreation, and commerce, and by assuring compatibility between shoreland and aquatic uses.

### Classification Criteria

1. Aquatic areas seaward of the ordinary high water mark that ranked in the top quartile of assessment units within the Urban Growth Boundary for salmonid habitat in the 2000 SEWIP Salmon Overlay, and all assessment units, except the Maulsby mudflats, that ranked in the top quartile within Ecological Management Unit pairs for salmonid habitat.
2. The nearshore SEWIP assessment units areas along Port Gardner Bay south and west of the Port's south terminal.
3. The aquatic environment includes the water surface together with the underlying lands and the water column.

### Area Designated

(See Figure 4.23. More detail is provided on Figures 4.2 through 4.21.) Note that a map showing specific SEWIP assessment unit boundaries is available for review in the Planning and Community Development Department.)

1. **Maulsby Swamp (Also see Figure 4.17):** The western boundary is the east edge of the Burlington Northern right-of-way. The inland boundary is the ordinary high water mark.

For all of the following areas, the landward boundary is the ordinary high water mark, and the waterward boundary is the 2000 SEWIP Salmon Overlay assessment unit (AU) boundary.

2. **Nearshore:** AUs 7.04, 7.05, 7.06, 7.07, 7.08, 7.09
3. **Jetty Island Salt Marsh:** AU 4.04
4. **Mudflats west of Jetty Island:** AU 4.05

5. **Southeast side of Jetty Island:** AU 5.12
6. **Mudflats northwest of the Port's Bayside Property:** AU 5.05,
7. **Aquatic Areas adjacent to Ferry Baker and Weyco Islands:** AUs 2.46, 2.47, 2.49
8. **Other assessment units along the Snohomish River:** AUs 5.02, 5.03, 2.41, 2.44, 2.52, 1.18, 1.13, 1.15
9. **Assessment units along Union Slough:** AUs 1.05, 2.28, 2.30, 2.31,

The Aquatic Conservancy environment includes the water surface together with the underlying lands and the water column of such areas.

### **Management Policies**

1. New over-water structures should be limited and allowed only for public access and for public bridges and utilities with no practical alternative locations. Over water structures cannot extend beyond the harbor line/pierhead line, except for public bridges, transportation facilities of statewide significance and utilities approved through a conditional use process. Over-water structures refer to structures that are located on or above the surface of the water. (Ordinance 2736-03)<sup>7</sup>
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. Uses and activities within the Aquatic Conservancy Environment should be limited to public access and necessary utility and transportation facilities. Nonwater-dependent utility facilities and all transportation facilities should only be allowed through a conditional use permit.
4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Diverse public access opportunities to water bodies should be encouraged and

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<sup>7</sup> Effective 12/9/03

- developed and should be compatible with the existing shorelines and water body uses.
6. Dredging should only be allowed for environmental restoration, maintenance of existing water-dependent uses, and for maintenance of the federal navigation channel.
  7. Development of underwater pipelines and cables on tidelands should be discouraged, except where no feasible alternative exists (such as for deepwater outfalls). When permitted, such facilities should include adequate provisions to insure against significant ecological impacts. Mitigation shall be provided for all impacts.
  8. Many of the SEWIP assessment units received high rankings partially due to high quality riparian vegetation along dikes adjacent to the aquatic areas. In such cases the high quality vegetation should be preserved along the dike. Where additional shoreline stabilization is needed to provide for development adjacent to these aquatic areas, where feasible, new dikes or other stabilization structures should be constructed inland of the existing dikes. In such instances, long-term maintenance of vegetation could be provided on the new inland stabilization structures, while vegetation on the outer dikes should be preserved and enhanced.
  9. Public access structures and utilities shall not intrude into or over critical saltwater habitats except when the public's need for the facility is clearly demonstrated; when avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; the project is designed to minimize its impacts on critical saltwater habitats and significant ecological impacts are mitigated.

## **4.15 Urban Conservancy Agriculture** *(New. 11/17/05; Revised Ordinance 3129-09, effective 3-17-2011)*

### **Purpose**

The Marshland is a shoreline area that has been identified as having significant tidal restoration potential and that is characterized by diverse property ownership, and floodplains/floodways that have been altered by diking, agricultural activities, transportation facilities, and utility corridors. The City, in cooperation with property owners, Ecology, scientists, interested agencies/organizations, and members of the public, conducted a subarea planning process for the Marshlands to address the feasibility of restoration, as well as appropriate land uses for the area. The resulting Marshland Subarea Plan is incorporated by reference in this Shoreline Master Program.

### **Area Designated – Urban Conservancy Agriculture Interim**

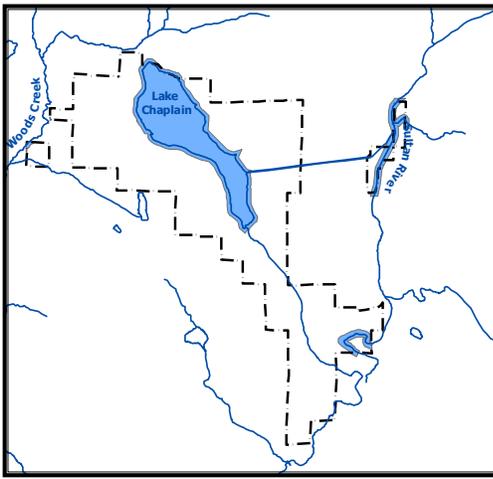
All portions of the Marshlands area within the floodplain of the Snohomish River in the Everett urban growth boundary located south of the north boundary of Lowell Snohomish River Road, except for those properties specifically designated Urban Conservancy and Shoreline Residential.

Provided that any portion of the Marshland Subarea that is restored to tidal habitat automatically is designated Aquatic in areas below the ordinary high water mark. (Aquatic designated areas include “All water areas of the Snohomish and its sloughs waterward of the ordinary high water mark, except for the portion inside the pierhead line in the Urban Maritime Environment, and the SEWIP assessment units designated Aquatic Conservancy.”)

### **Management Policies**

1. All development, including restoration should be consistent with the Marshland Subarea Plan. Until such time as restoration and enhancement actions are undertaken, agricultural use will continue to be the predominant use in the area. No development should be allowed that would preclude the restoration actions identified in the Subarea Plan.
2. Public access should be encouraged.
3. Agriculture and associated industry, forest practices, and transportation and utility facilities are permitted. Residential uses should be allowed in the rural flood fringe district along Larimer Road when applicants can meet all applicable City and Snohomish Health District codes and regulations.

4. New construction of structures in the floodplain areas should be limited to structures with low flood damage potential. When development is allowed within floodplain areas, necessary measures shall be taken to protect property from damages that could be caused by flooding, including compliance with the City's floodplain regulations. New development in floodplain areas should reflect the character of the surrounding area by limiting residential density, providing permanent open space, and maintaining adequate building setbacks from the water to protect shoreline resources.
  
5. Allow uses and activities, including public access, which result in educational, passive recreational, and scientific benefits for the community.



# Shoreline Master Program Shoreline Use Designations

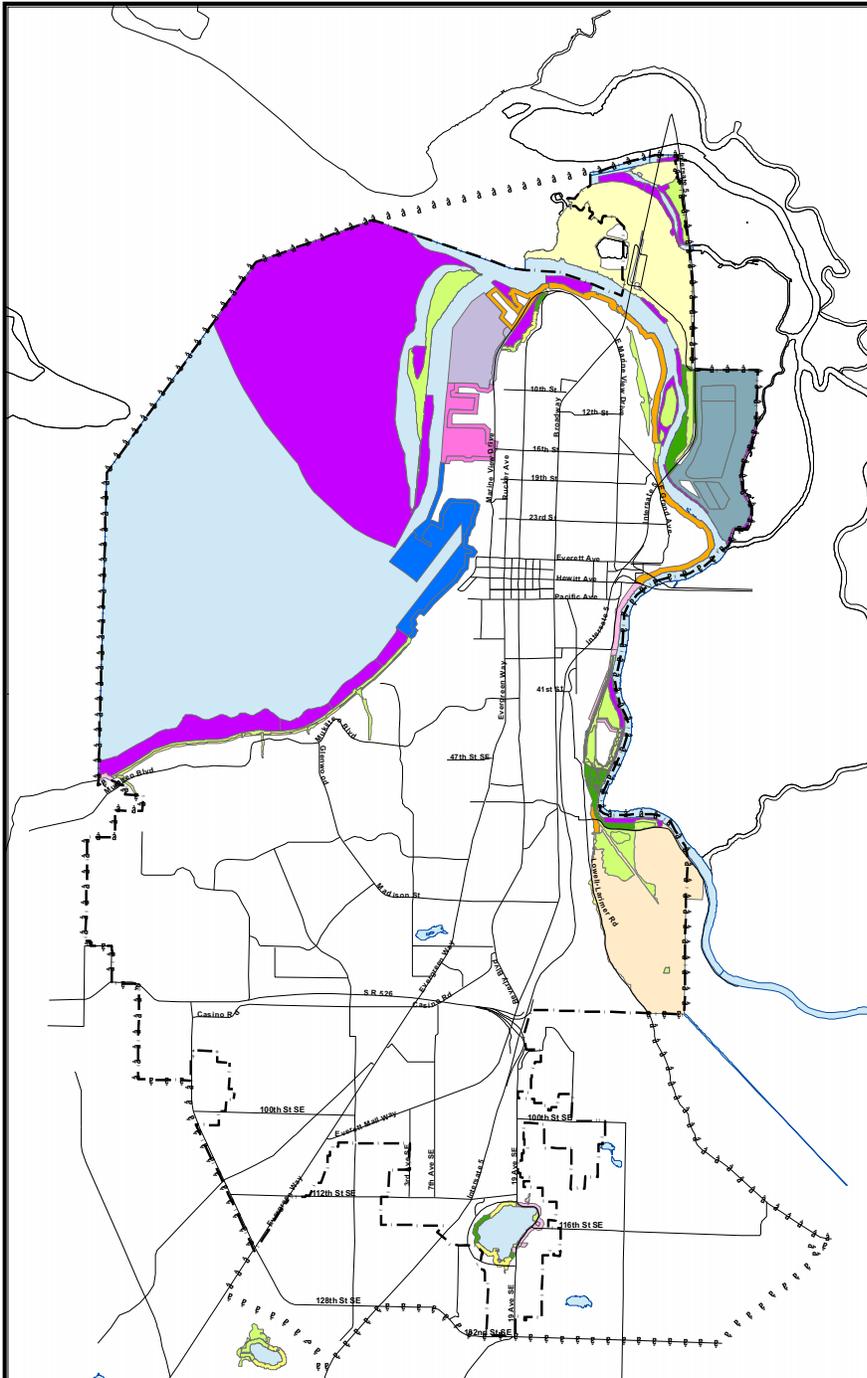


Figure 4.1

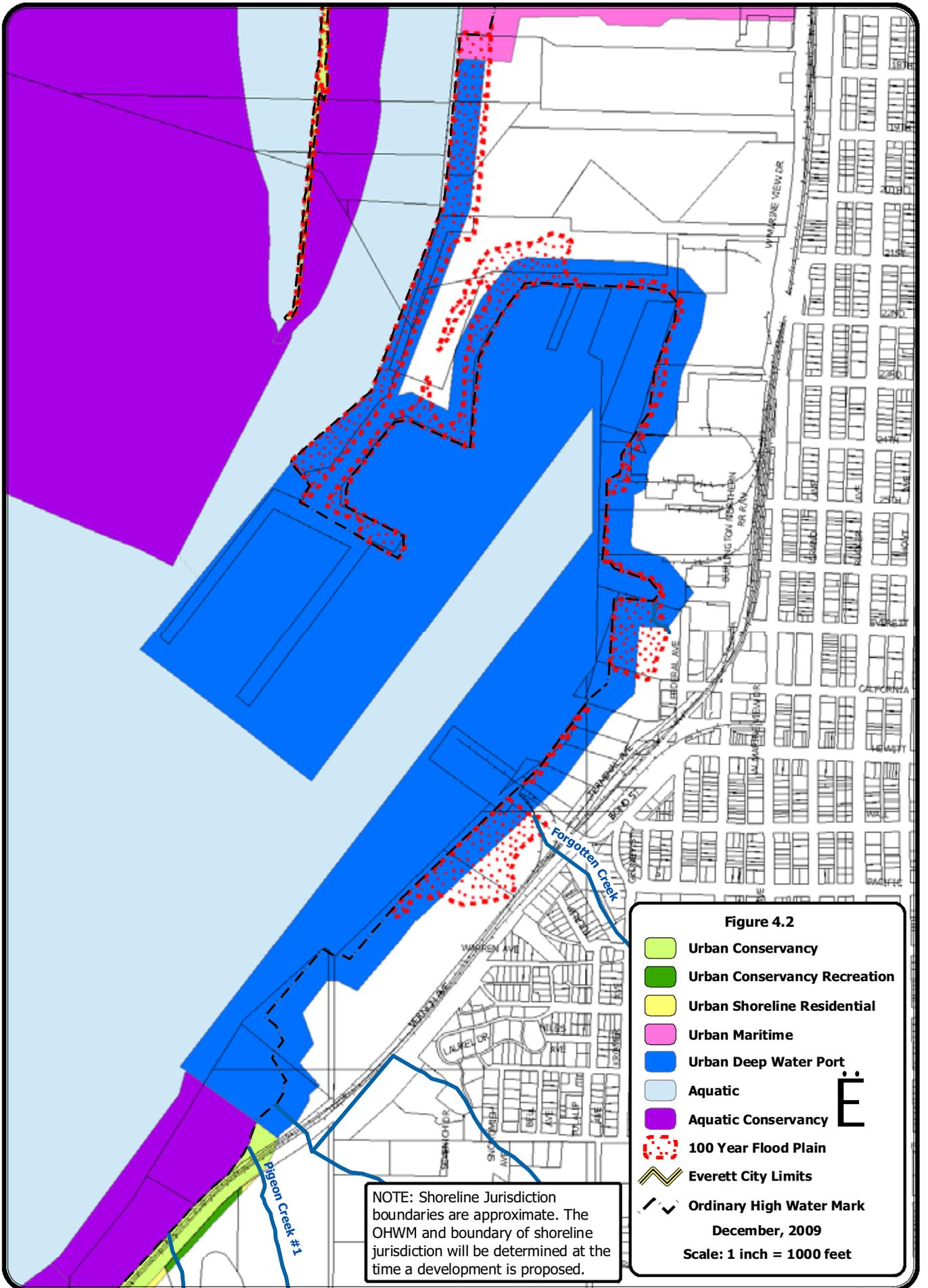


Scale: 1 inch = 6000 feet



March 2011





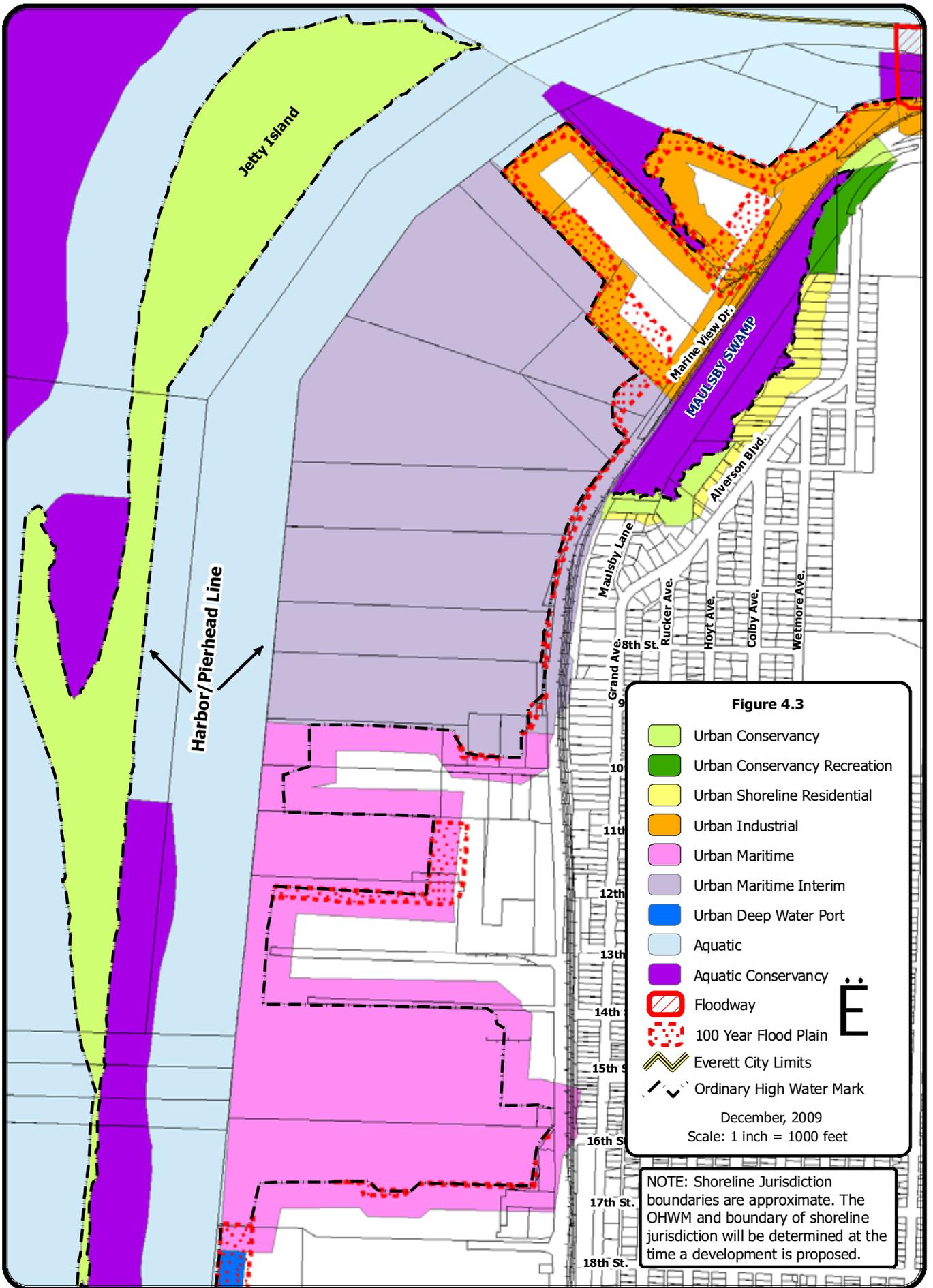
**Figure 4.2**

- Urban Conservancy
- Urban Conservancy Recreation
- Urban Shoreline Residential
- Urban Maritime
- Urban Deep Water Port
- Aquatic
- Aquatic Conservancy
- 100 Year Flood Plain
- Everett City Limits
- Ordinary High Water Mark



NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

December, 2009  
Scale: 1 inch = 1000 feet

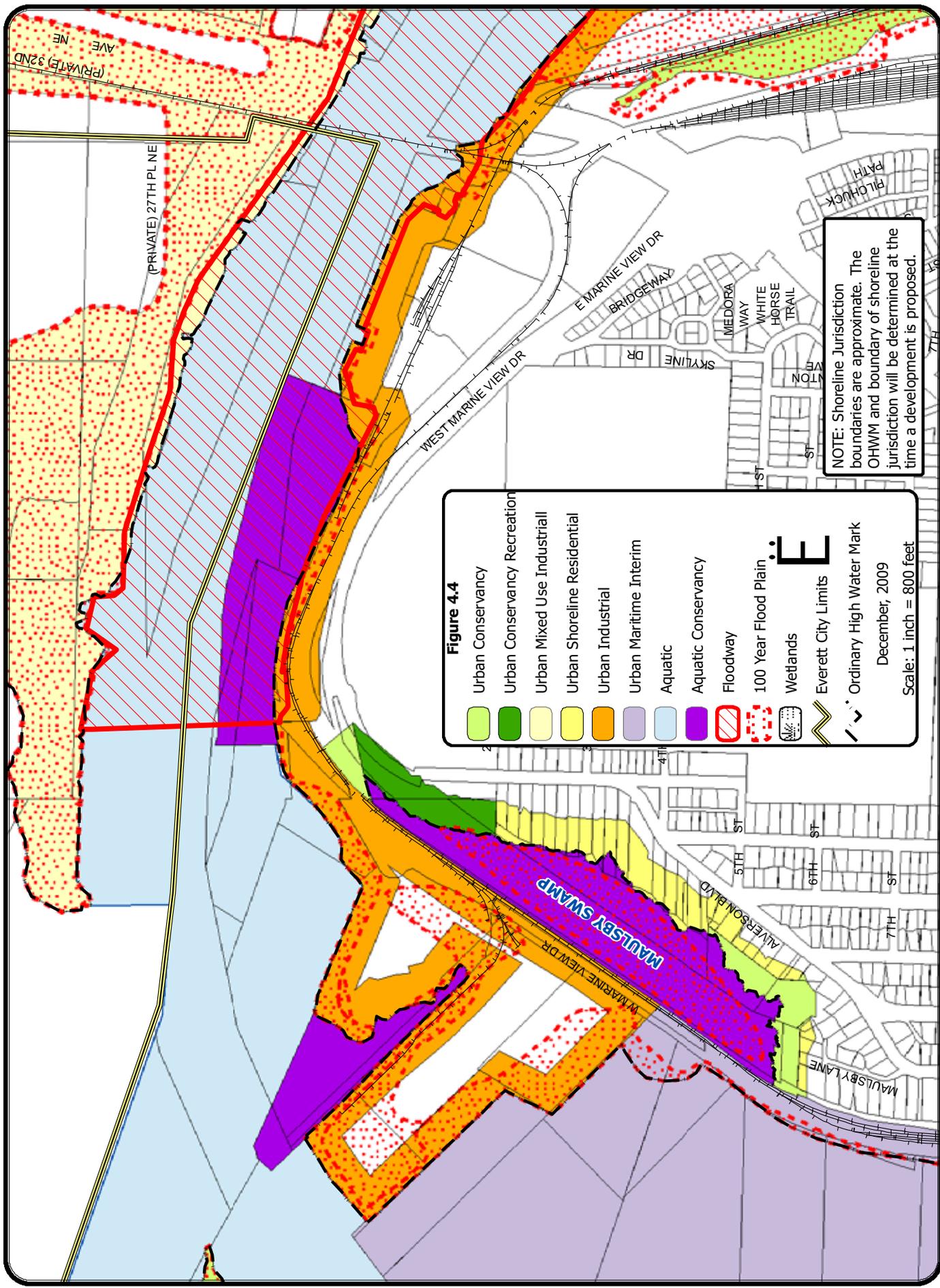


**Figure 4.3**

- Urban Conservancy
- Urban Conservancy Recreation
- Urban Shoreline Residential
- Urban Industrial
- Urban Maritime
- Urban Maritime Interim
- Urban Deep Water Port
- Aquatic
- Aquatic Conservancy
- Floodway
- 100 Year Flood Plain
- Everett City Limits
- Ordinary High Water Mark

December, 2009  
Scale: 1 inch = 1000 feet

NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

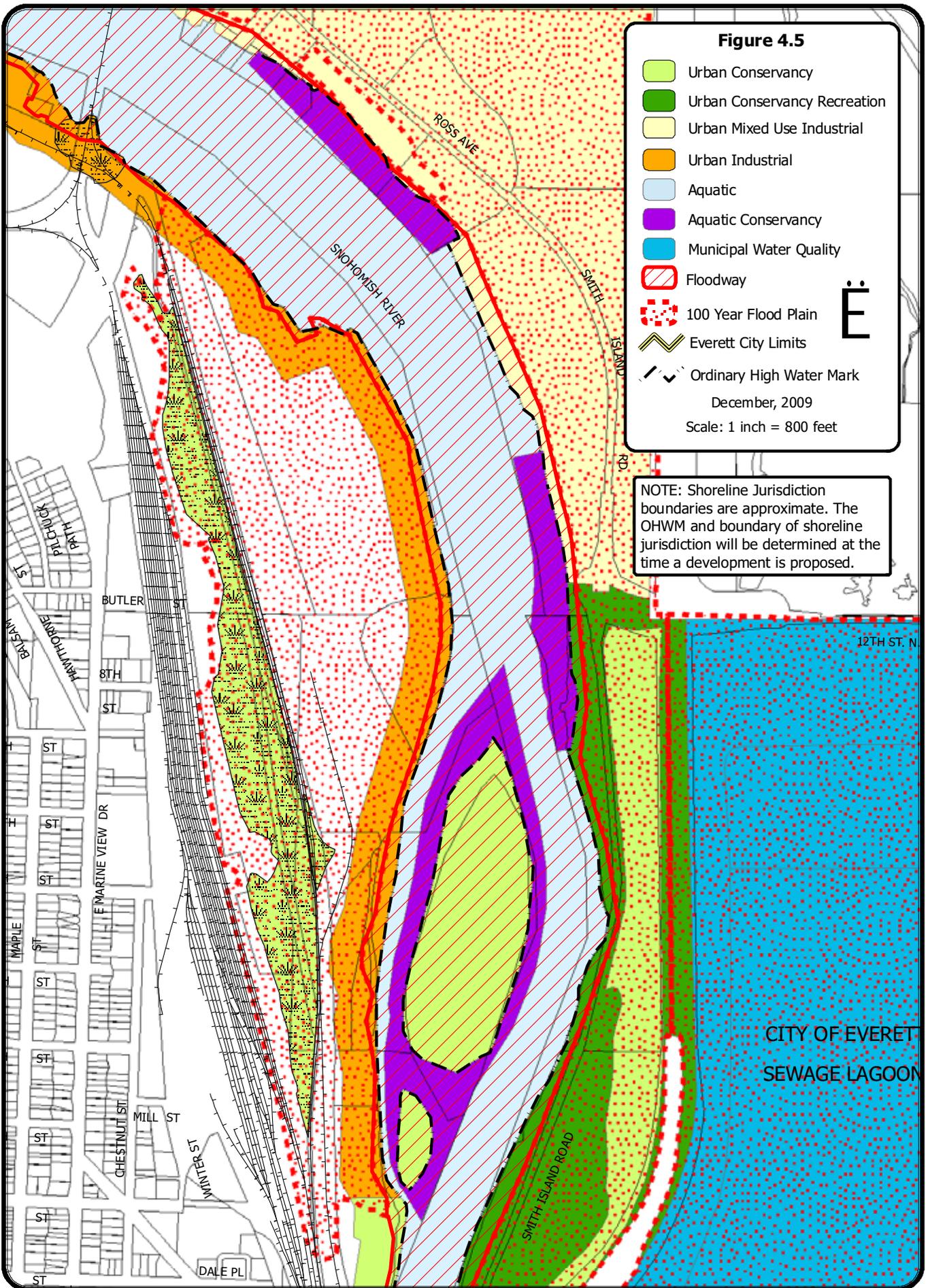


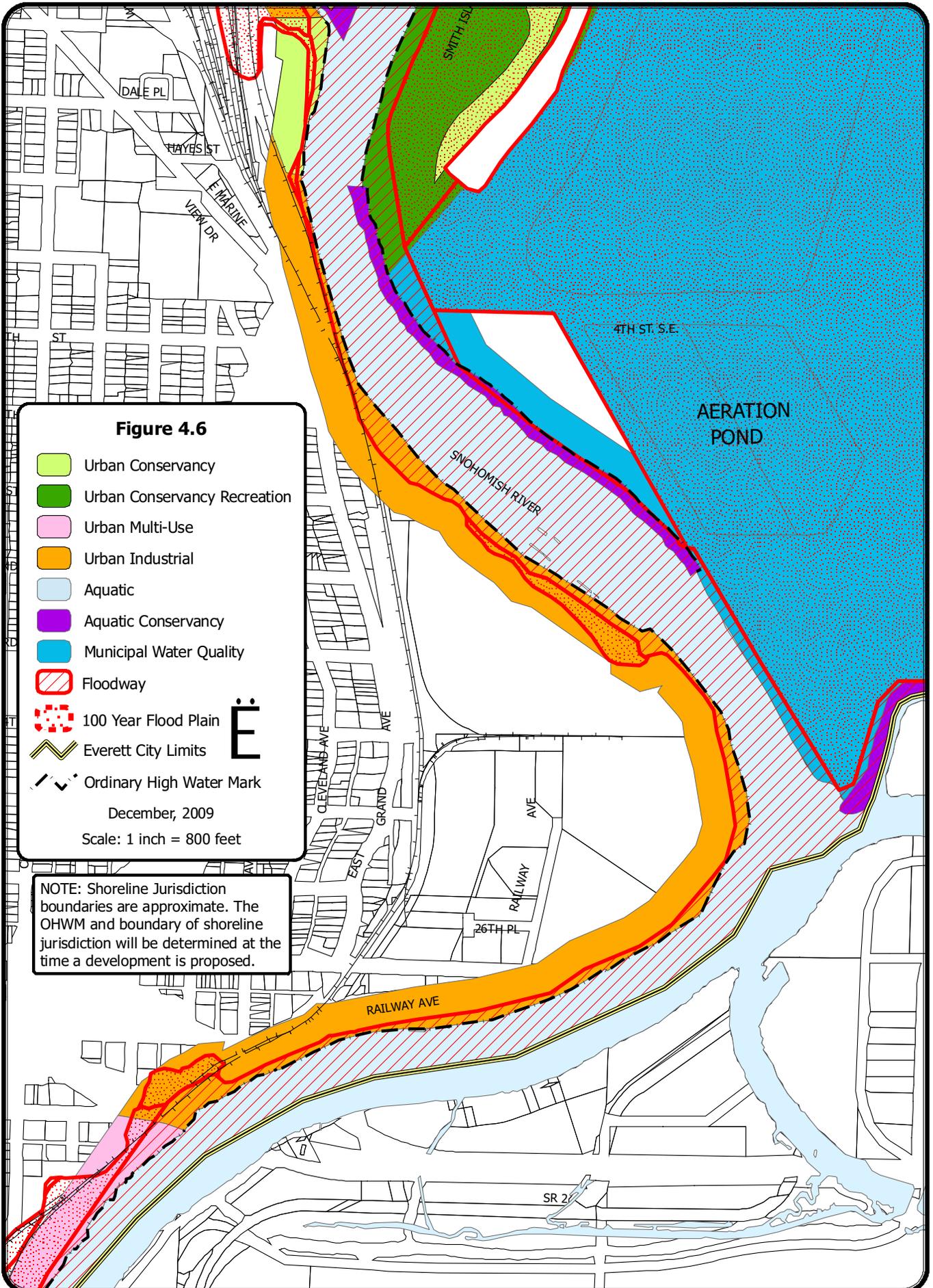
**Figure 4.4**

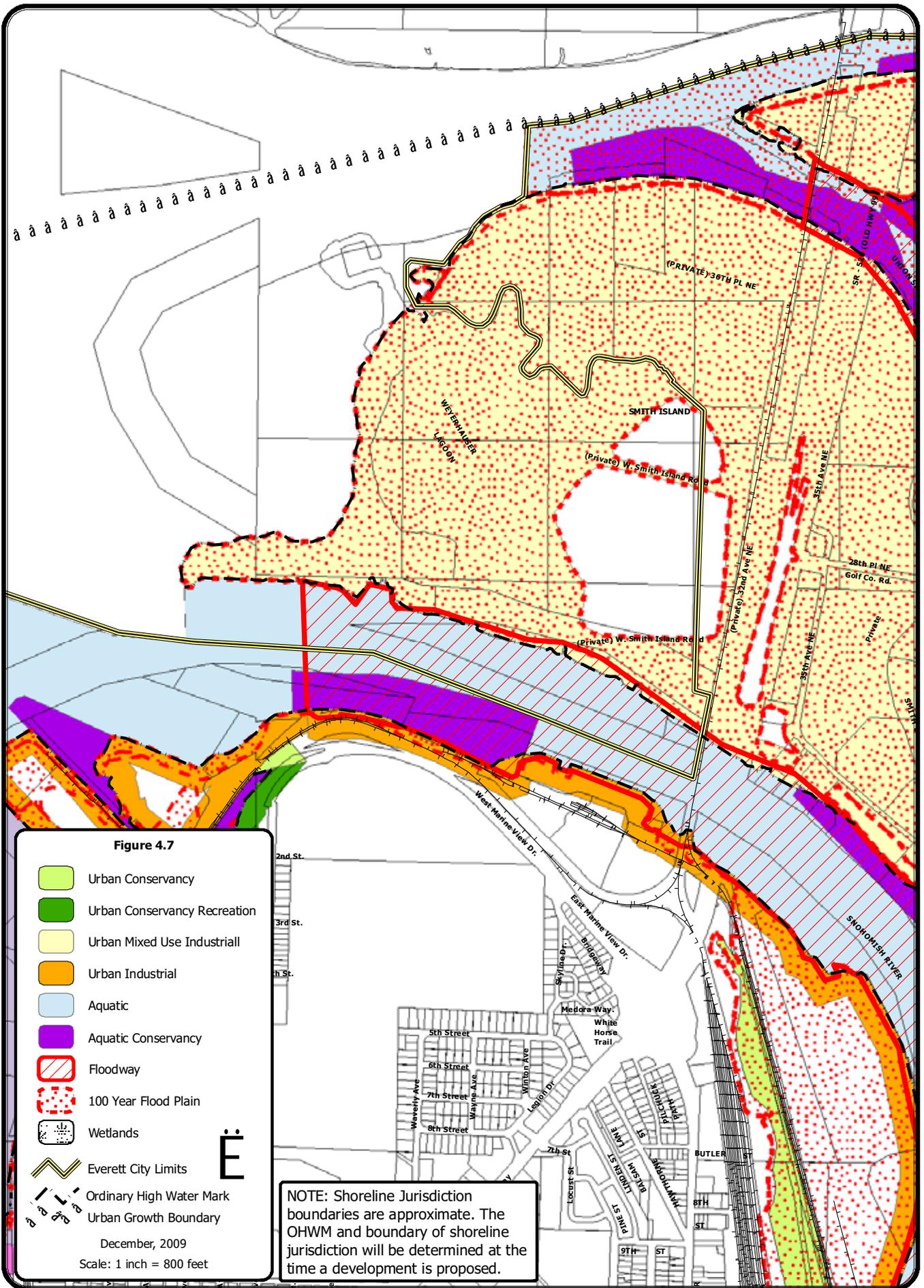
- Urban Conservancy
- Urban Conservancy Recreation
- Urban Mixed Use Industrial
- Urban Shoreline Residential
- Urban Industrial
- Urban Maritime Interim
- Aquatic
- Aquatic Conservancy
- Floodway
- 100 Year Flood Plain
- Wetlands
- Everett City Limits
- Ordinary High Water Mark

December, 2009  
 Scale: 1. inch = 800 feet

NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.



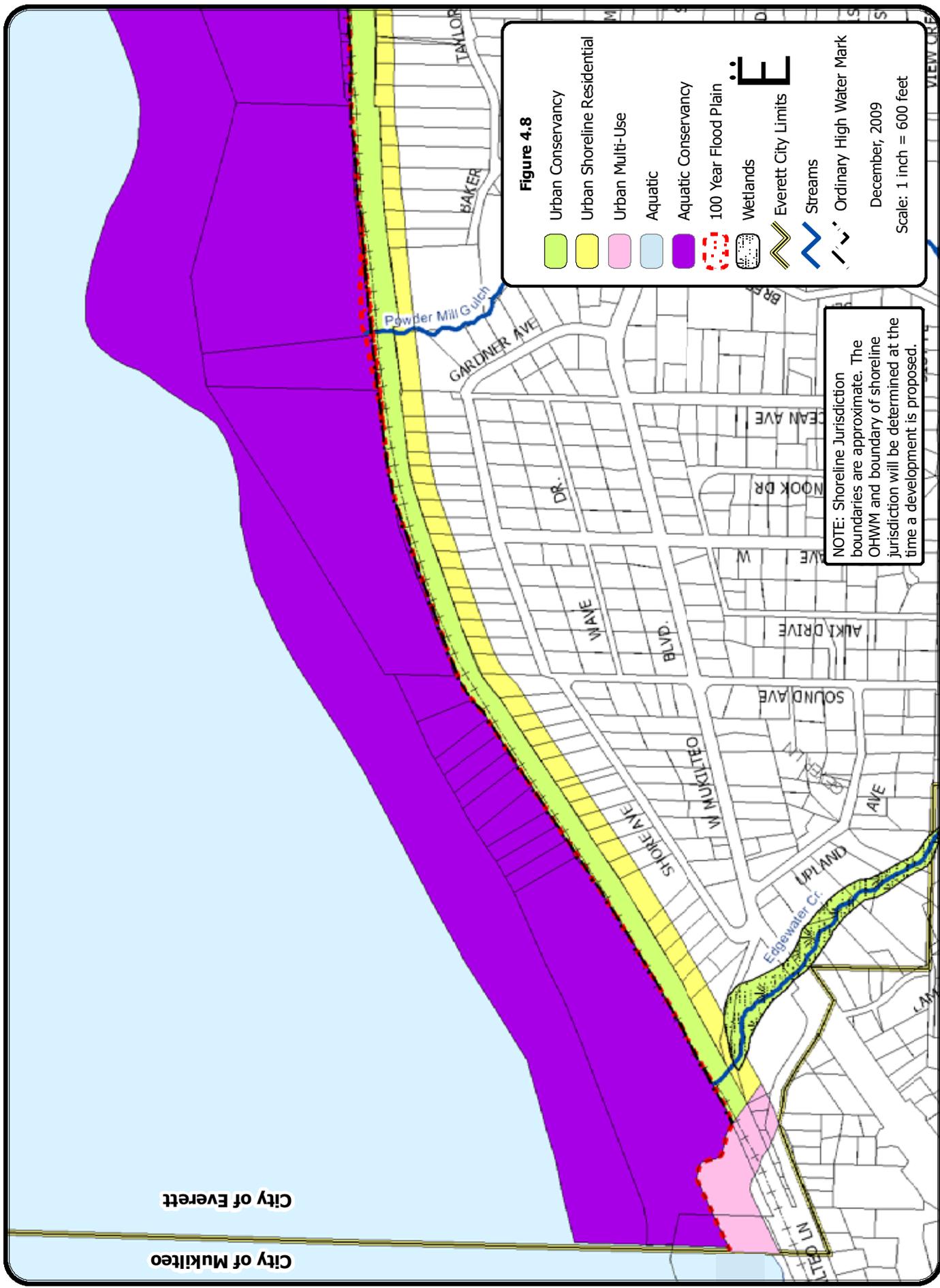




**Figure 4.7**

- Urban Conservancy
  - Urban Conservancy Recreation
  - Urban Mixed Use Industrial
  - Urban Industrial
  - Aquatic
  - Aquatic Conservancy
  - Floodway
  - 100 Year Flood Plain
  - Wetlands
  - Everett City Limits
  - Ordinary High Water Mark
  - Urban Growth Boundary
- December, 2009  
Scale: 1 inch = 800 feet

NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.



**Figure 4.8**

- Urban Conservancy
- Urban Shoreline Residential
- Urban Multi-Use
- Aquatic
- Aquatic Conservancy
- 100 Year Flood Plain
- Wetlands
- Everett City Limits
- Streams
- Ordinary High Water Mark

December, 2009  
Scale: 1 inch = 600 feet

NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

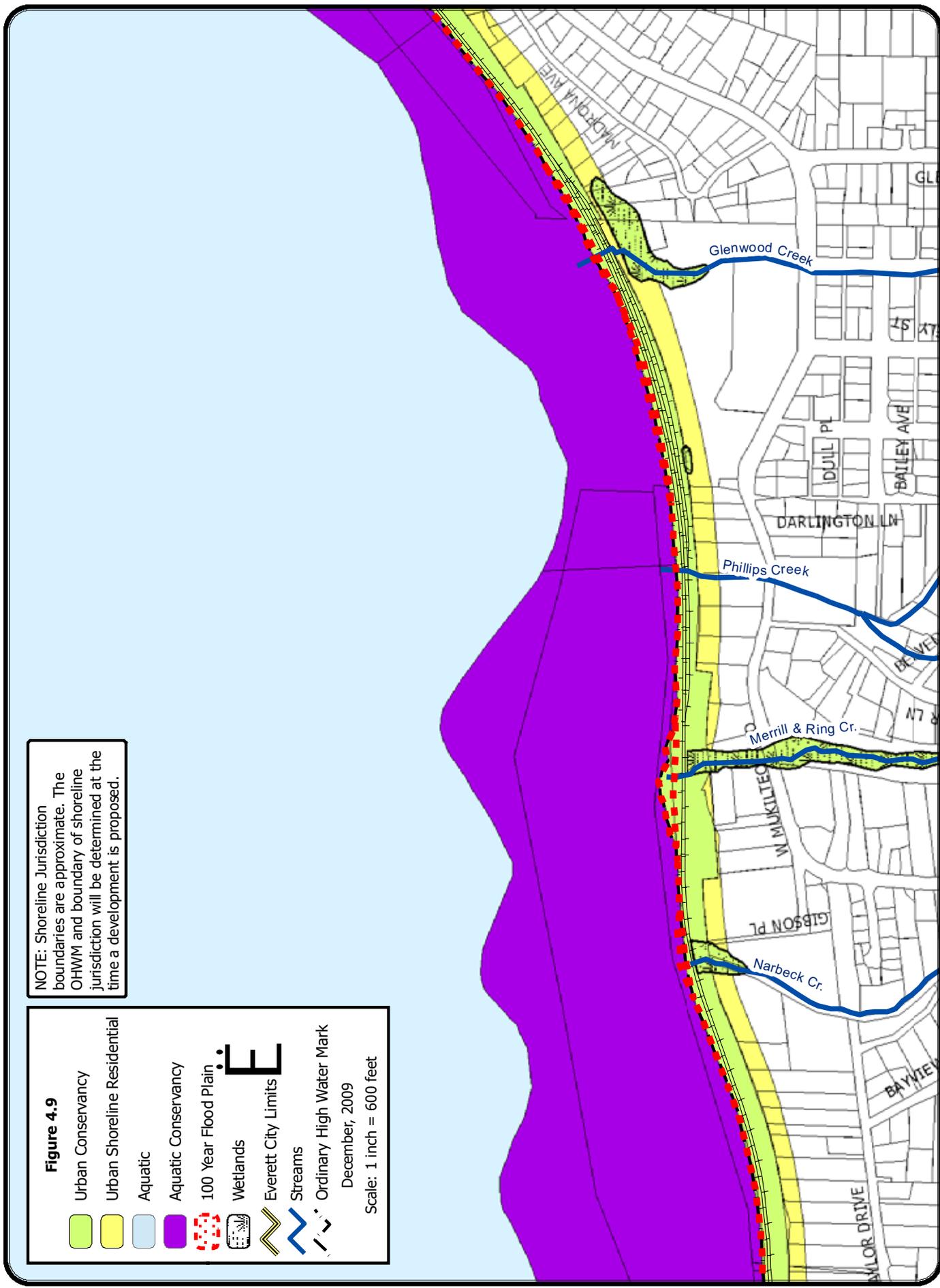
City of Mukilteo  
City of Everett

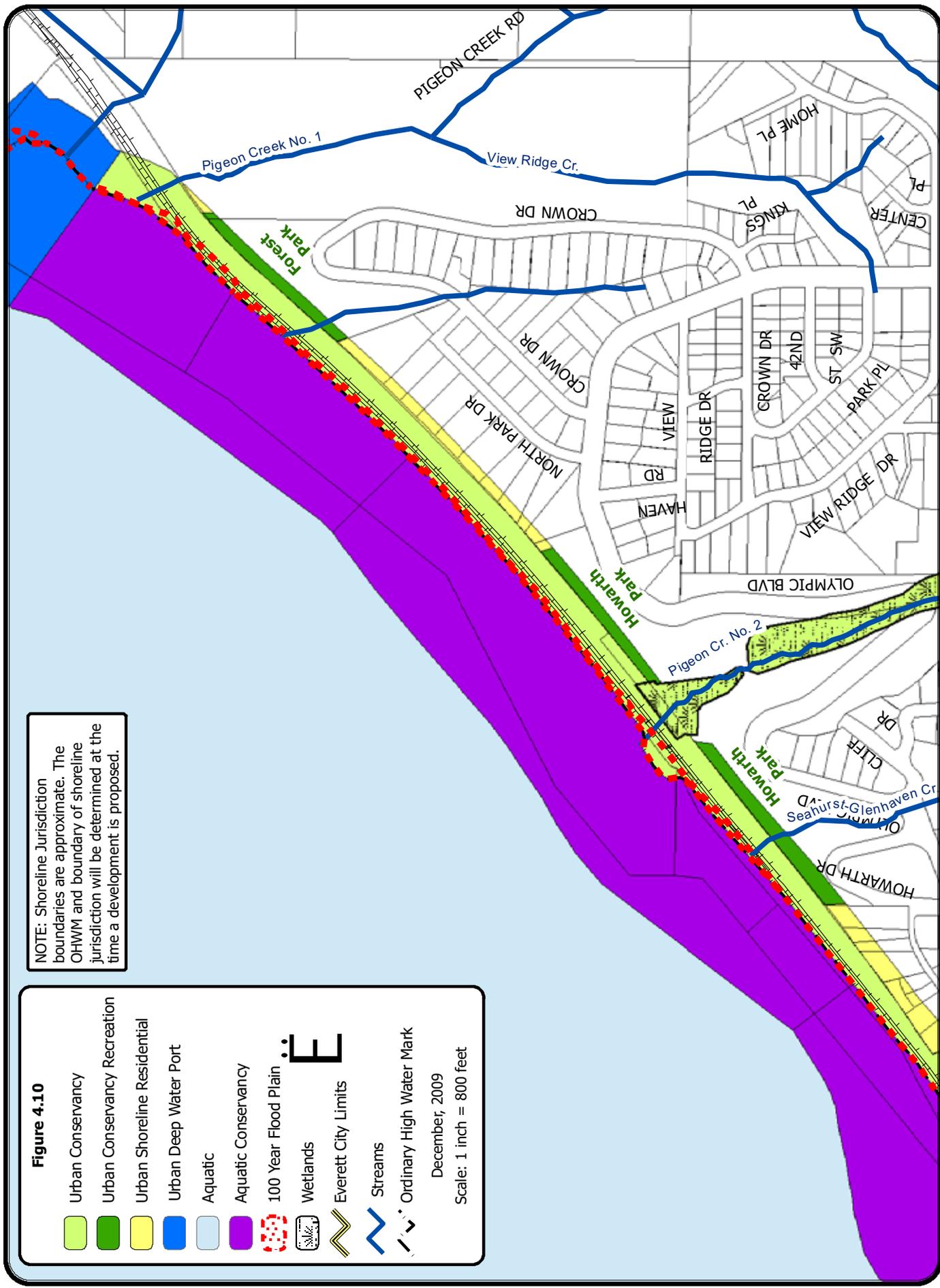
NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

**Figure 4.9**

-  Urban Conservancy
-  Urban Shoreline Residential
-  Aquatic
-  Aquatic Conservancy
-  100 Year Flood Plain
-  Wetlands
-  Everett City Limits
-  Streams
-  Ordinary High Water Mark

December, 2009  
Scale: 1 inch = 600 feet



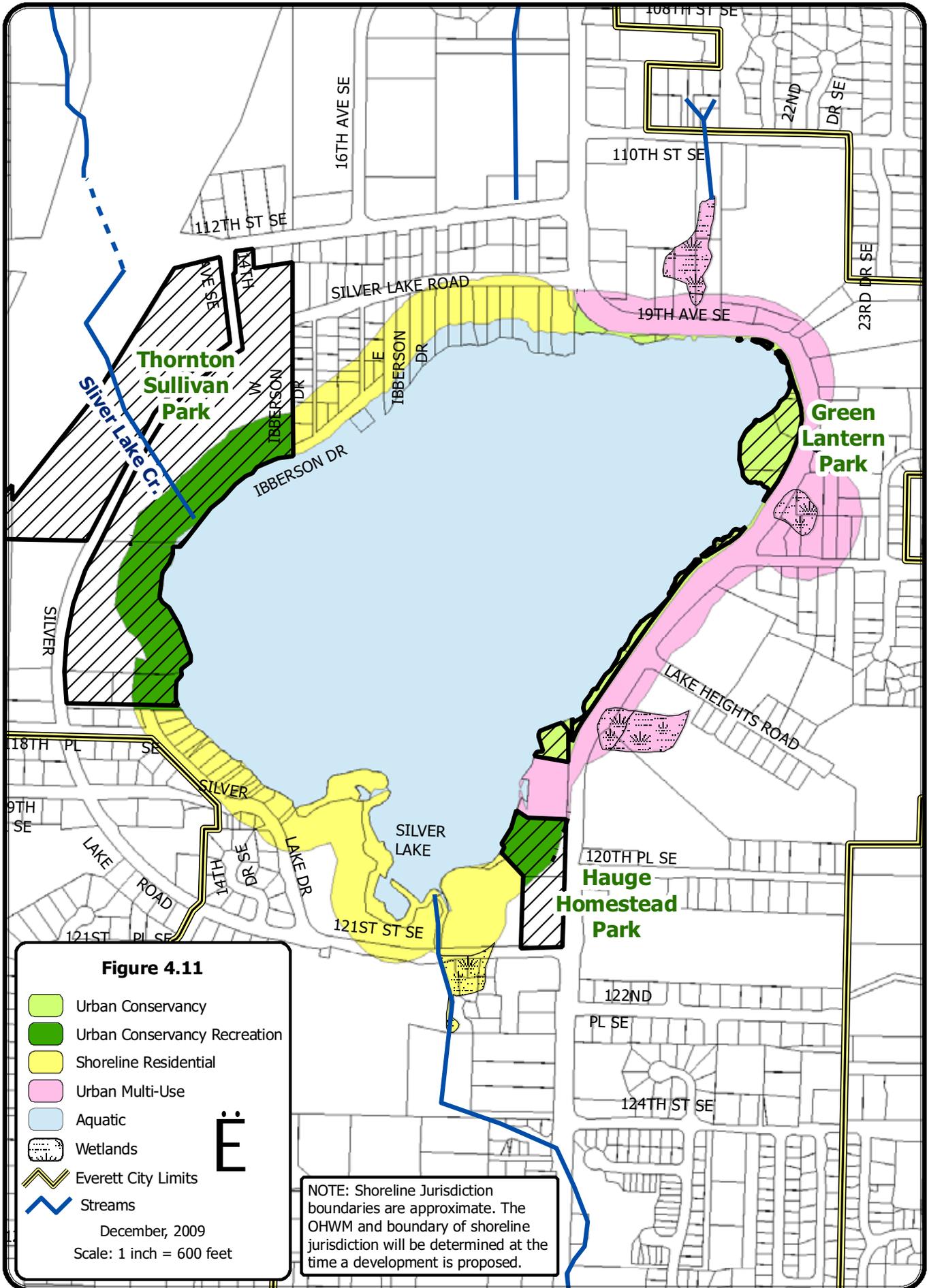


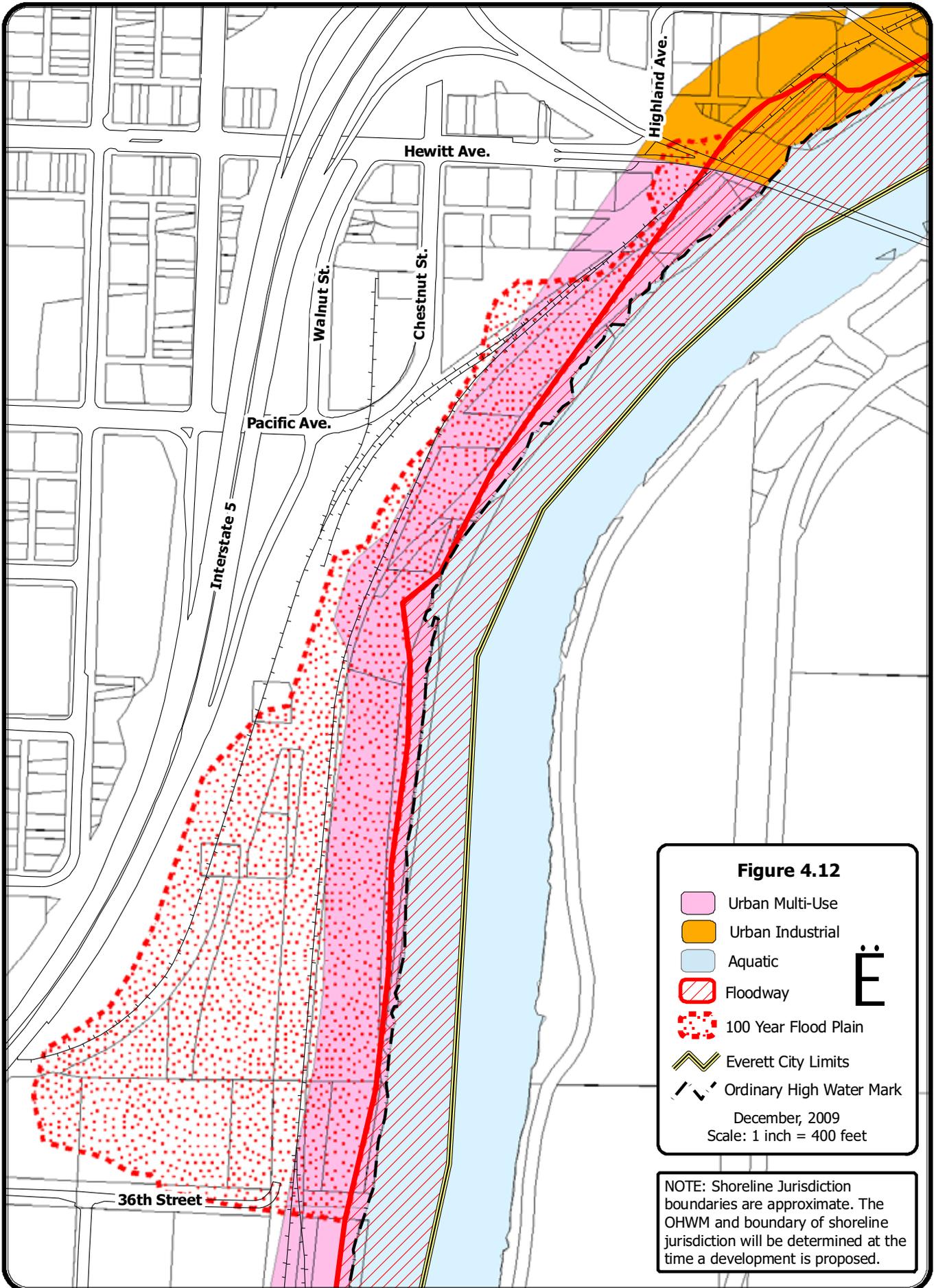
NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

**Figure 4.10**

- Urban Conservancy
- Urban Conservancy Recreation
- Urban Shoreline Residential
- Urban Deep Water Port
- Aquatic
- Aquatic Conservancy
- 100 Year Flood Plain
- Wetlands
- Everett City Limits
- Streams
- Ordinary High Water Mark

December, 2009  
 Scale: 1 inch = 800 feet



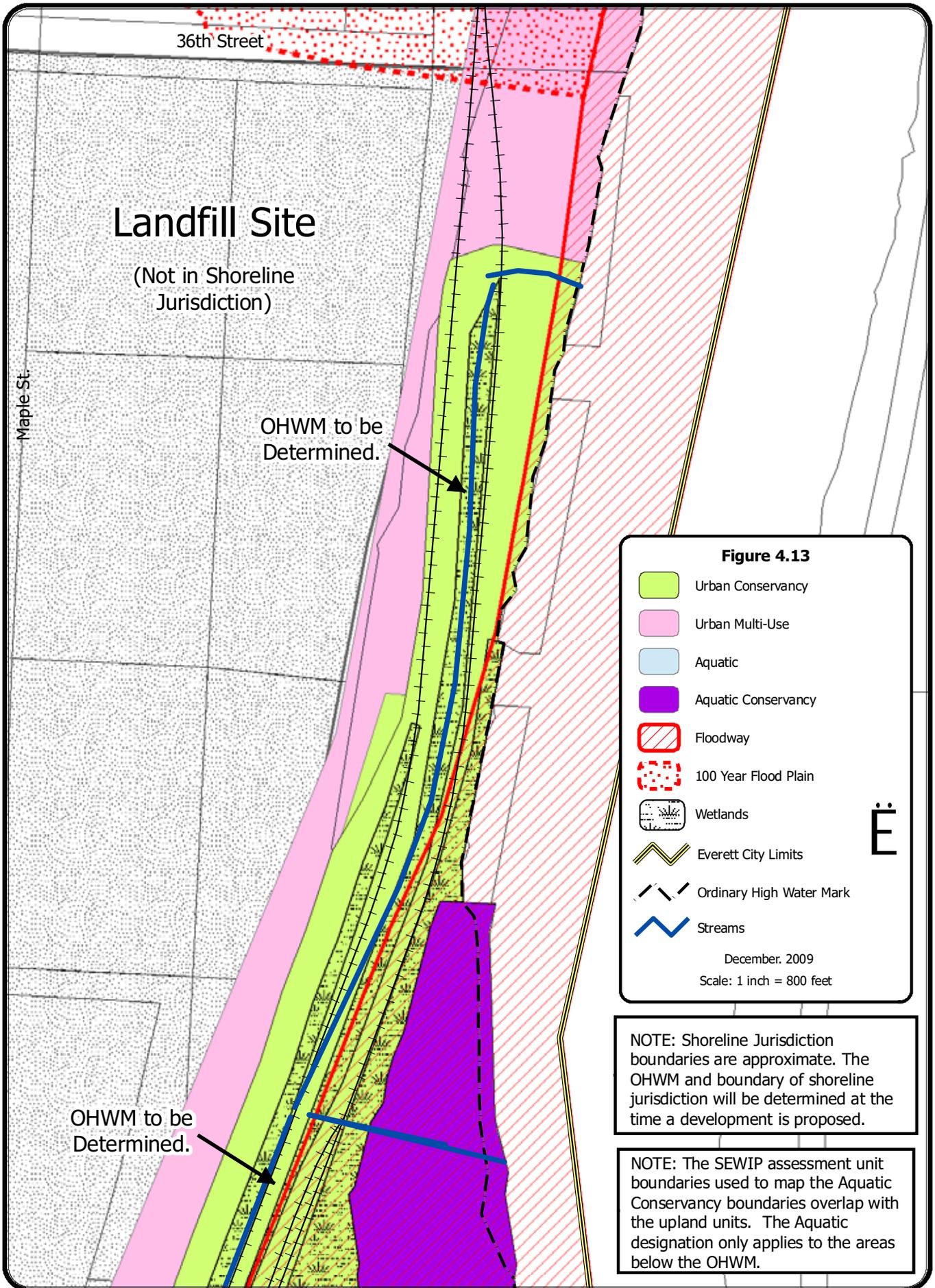


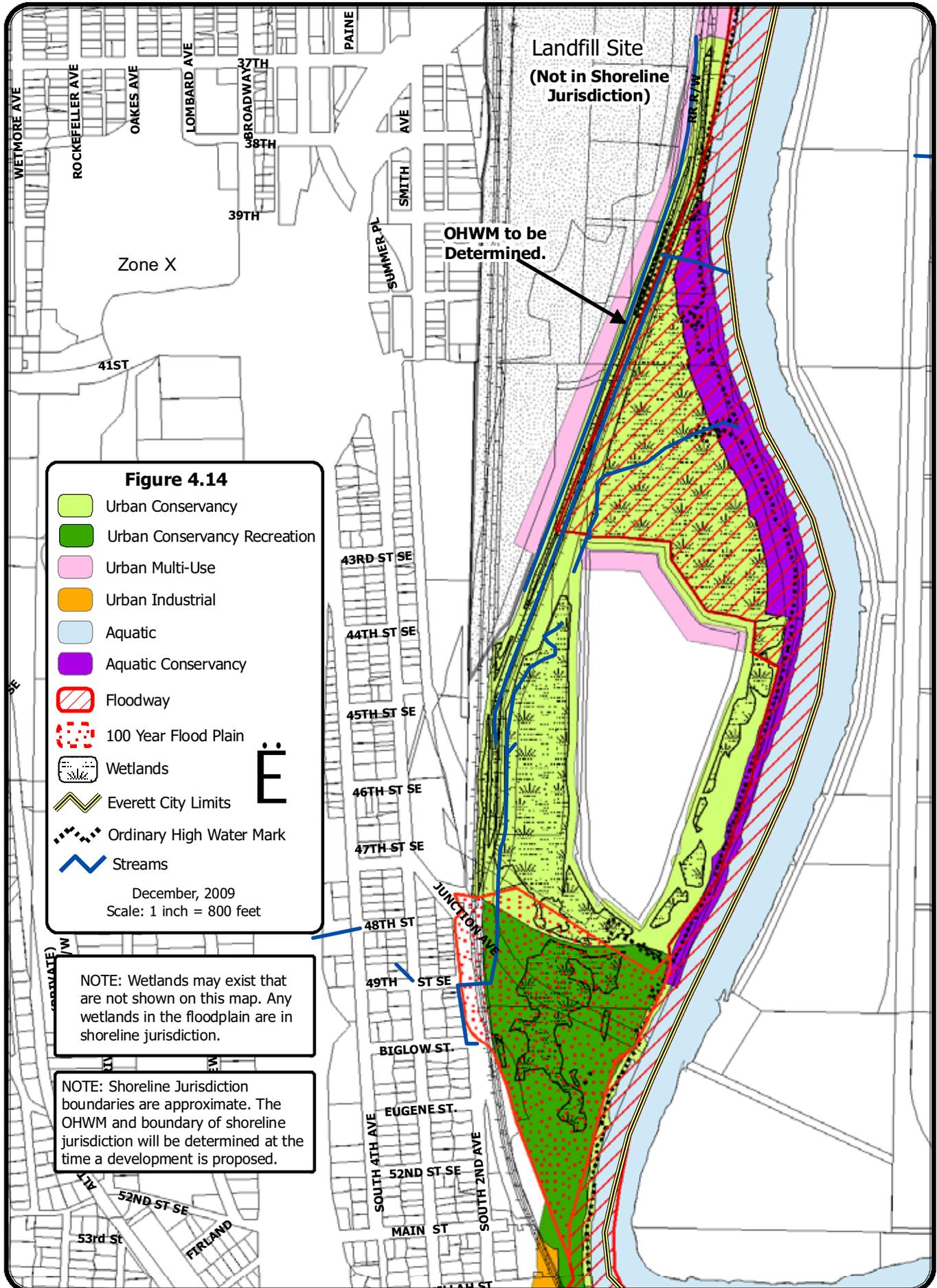
**Figure 4.12**

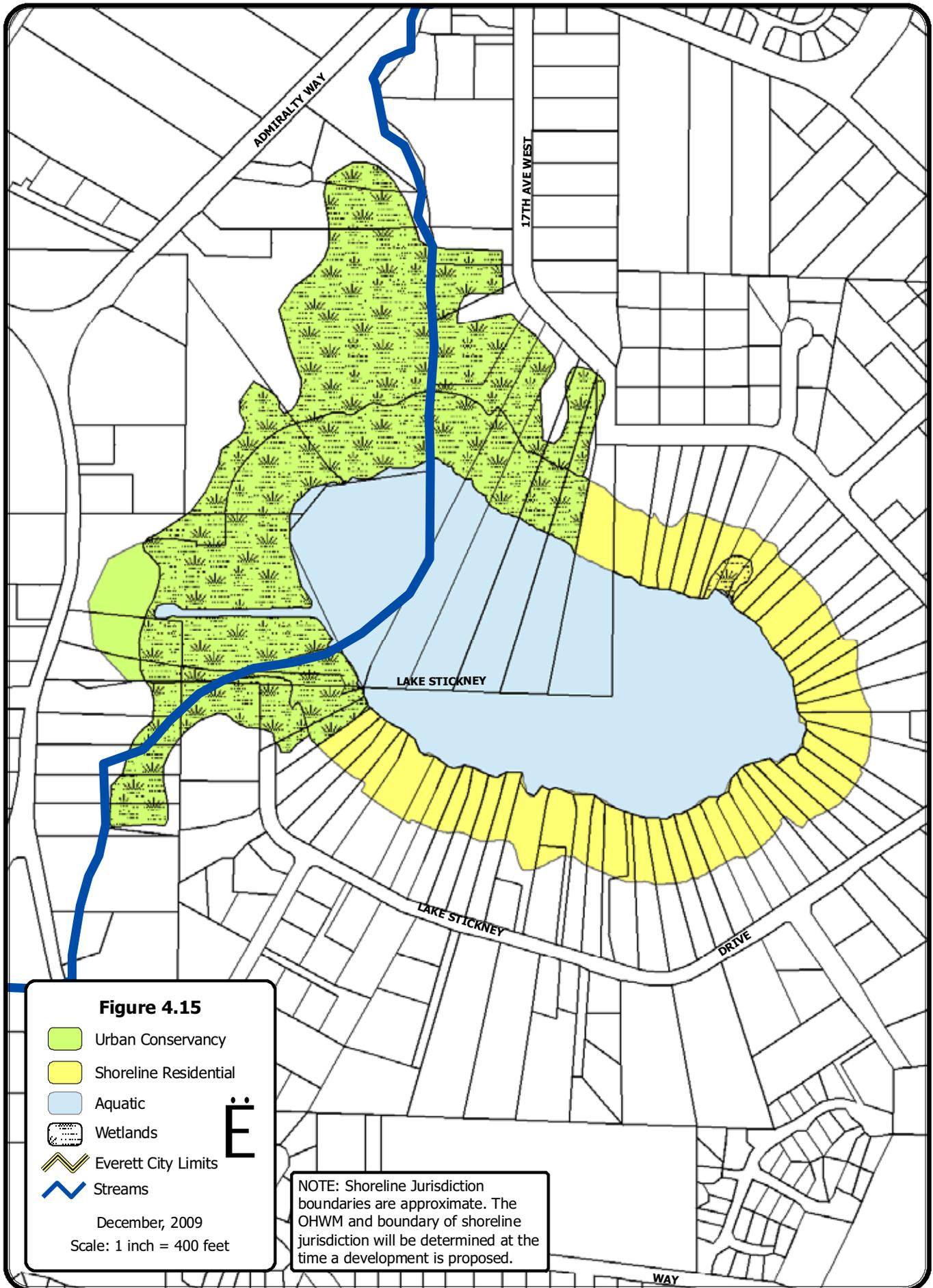
- Urban Multi-Use
- Urban Industrial
- Aquatic
- Floodway
- 100 Year Flood Plain
- Everett City Limits
- Ordinary High Water Mark

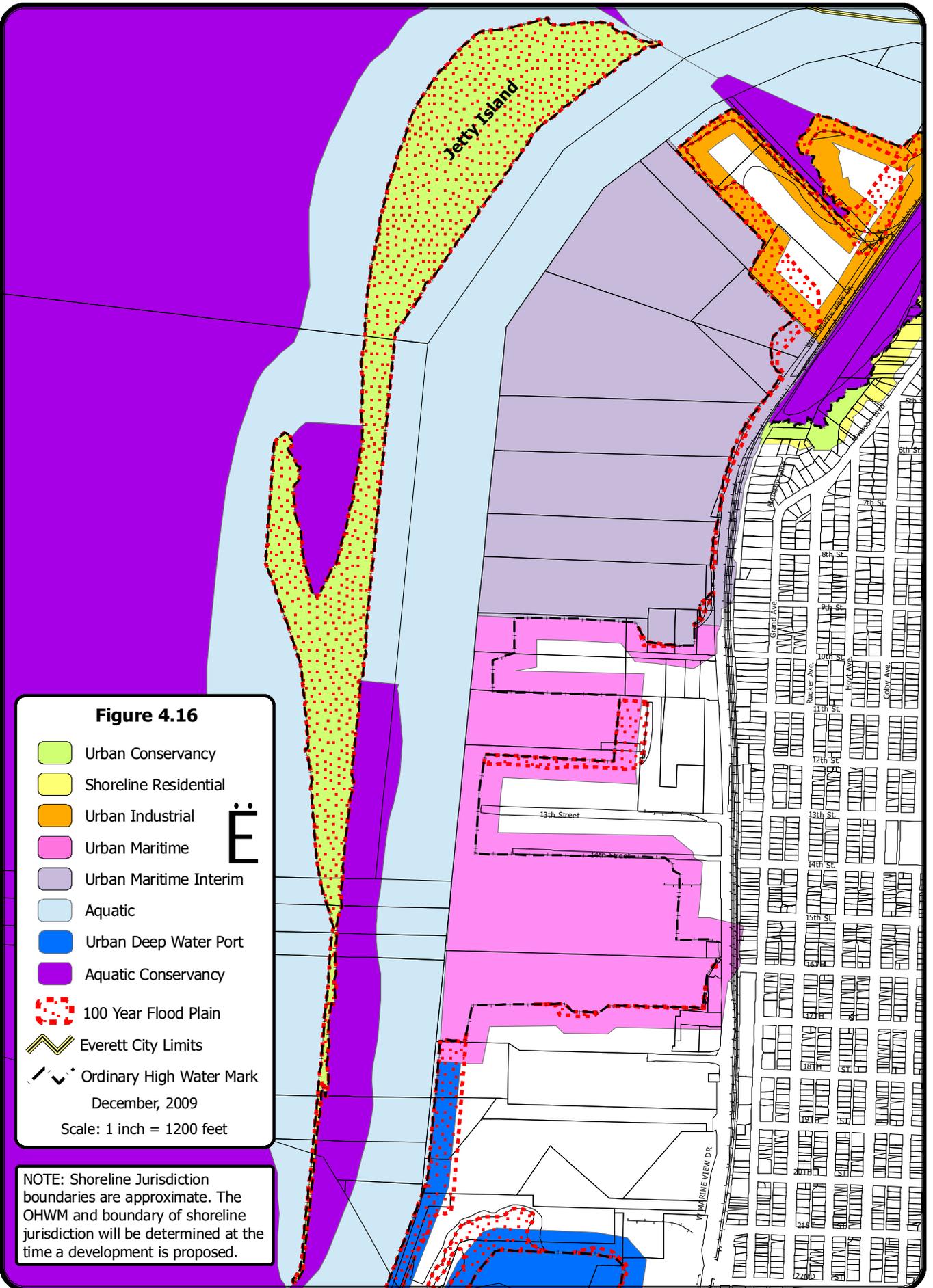
December, 2009  
Scale: 1 inch = 400 feet

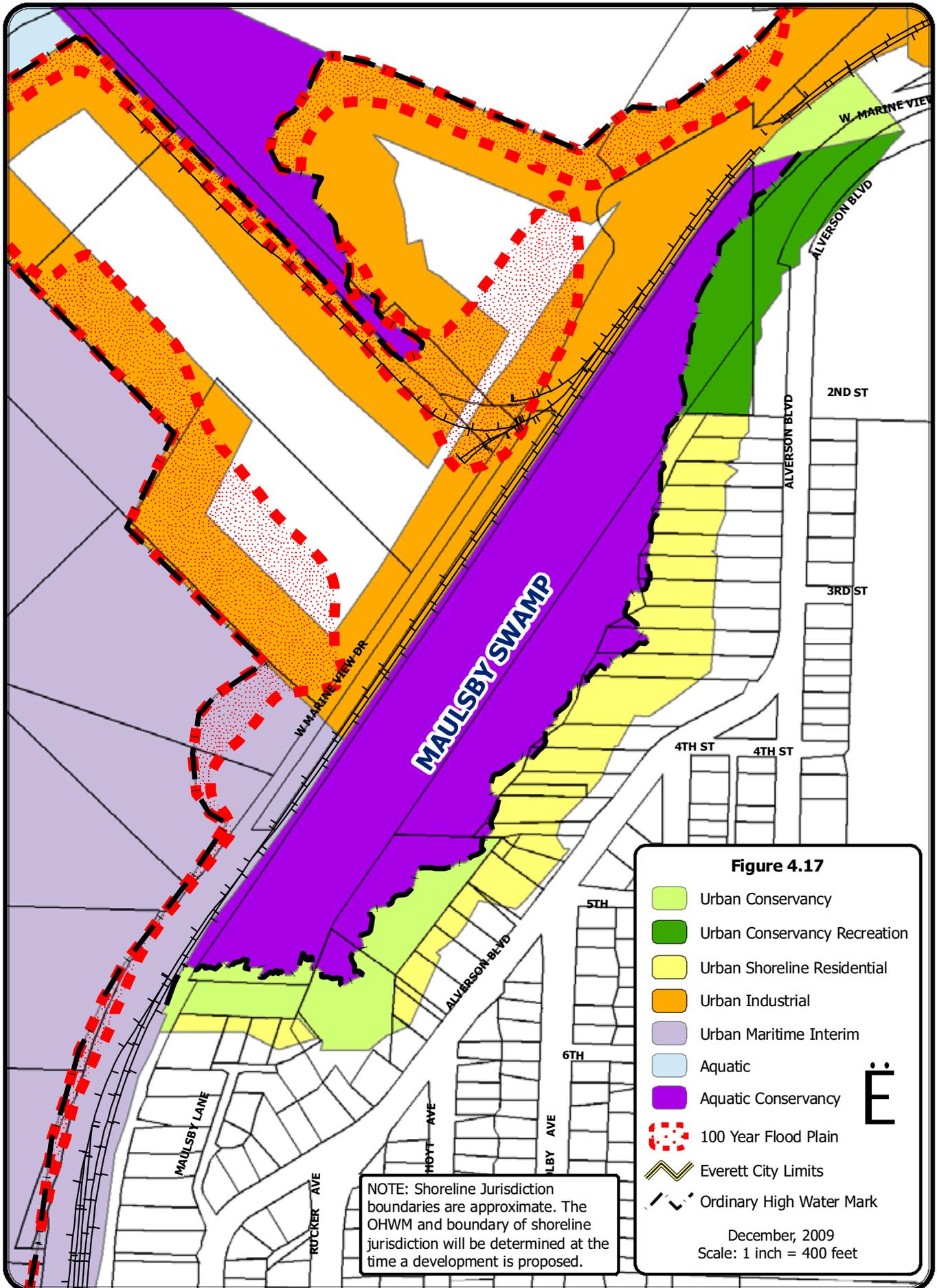
NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

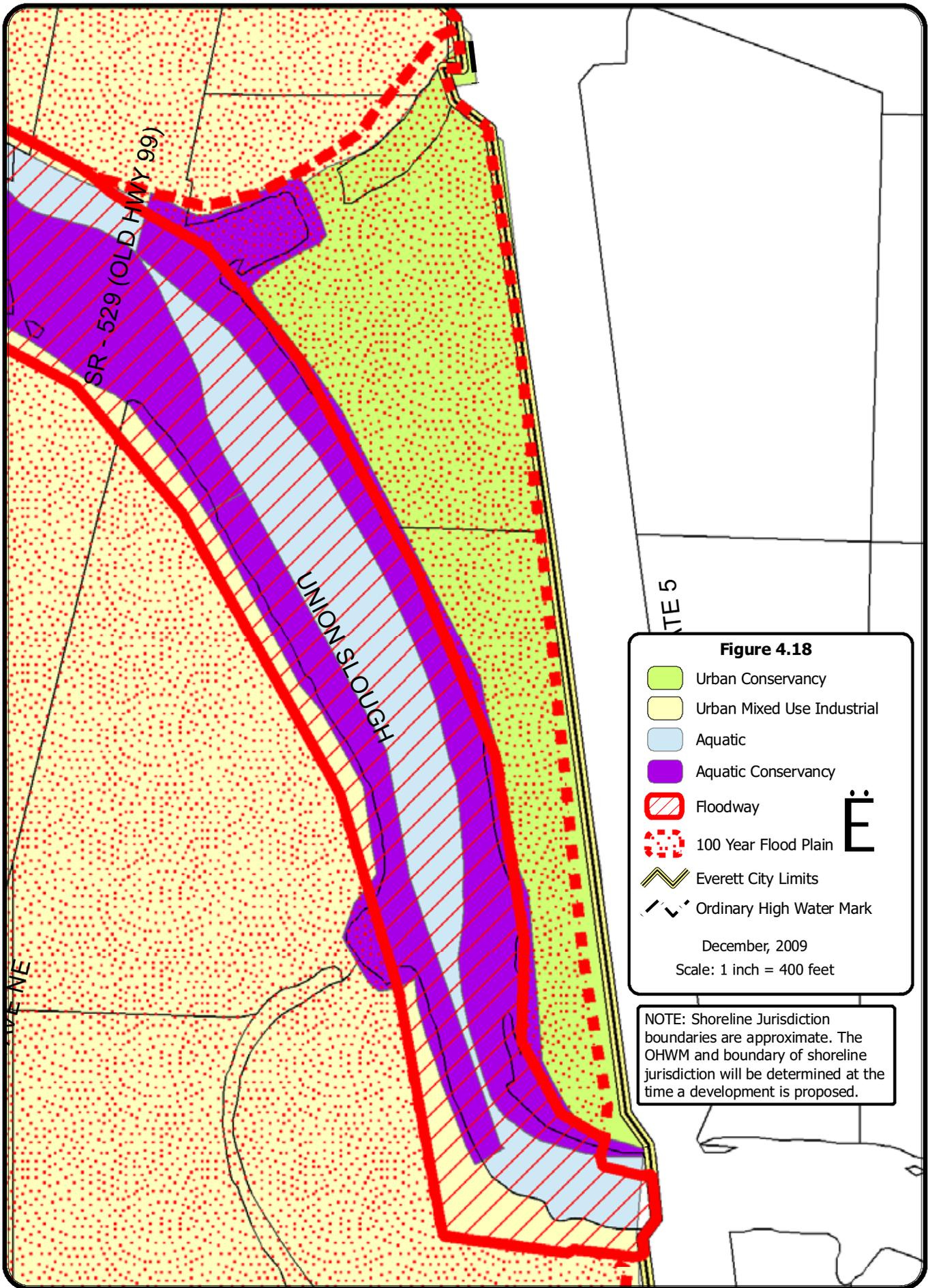












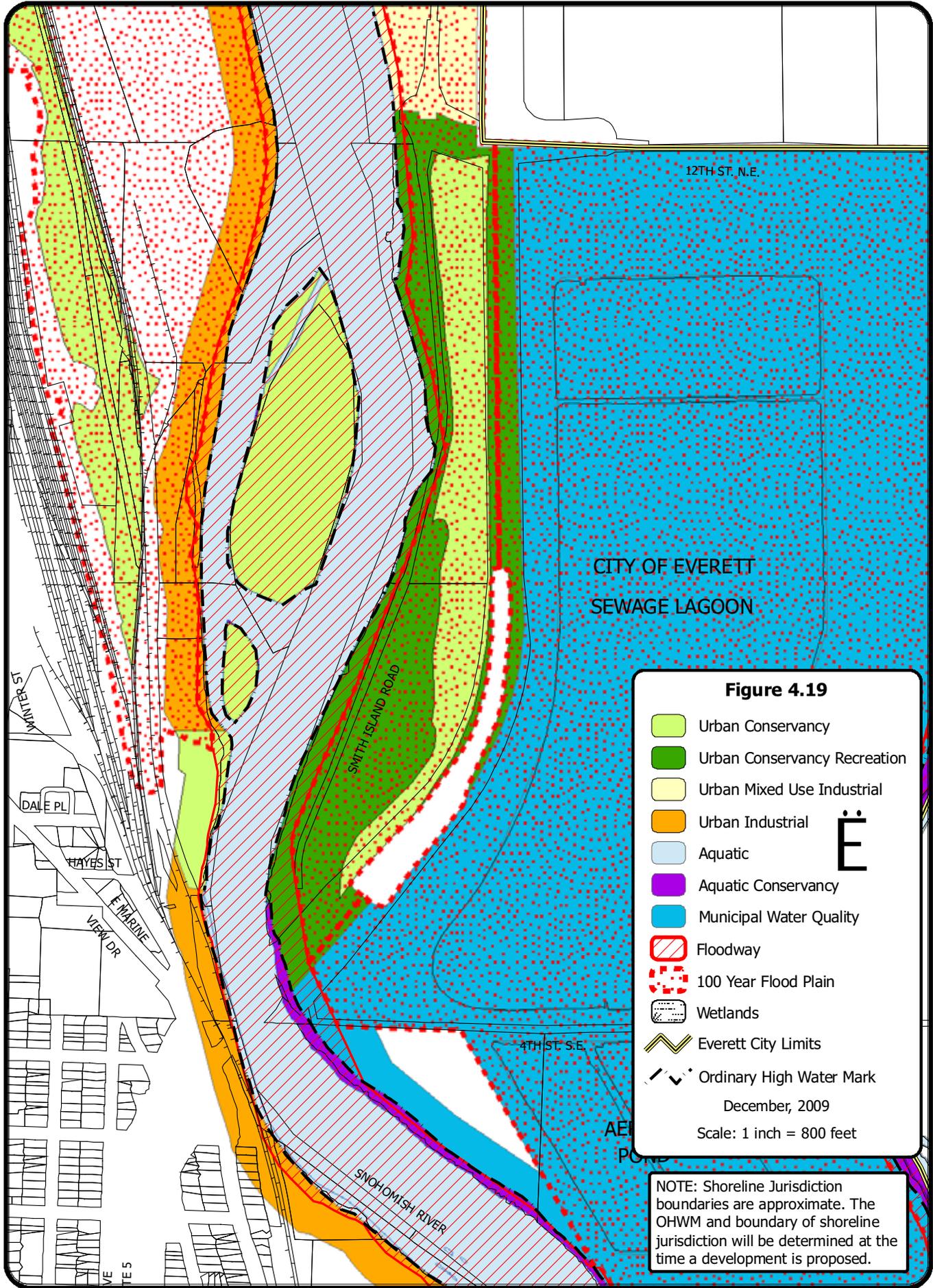
**Figure 4.18**

-  Urban Conservancy
-  Urban Mixed Use Industrial
-  Aquatic
-  Aquatic Conservancy
-  Floodway
-  100 Year Flood Plain
-  Everett City Limits
-  Ordinary High Water Mark

December, 2009

Scale: 1 inch = 400 feet

NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.



12TH ST. N.E.

CITY OF EVERETT  
SEWAGE LAGOON

WATER ST  
DALE PL  
HAYES ST  
EMARINE  
VIEW DR  
VE  
TE 5

SMITH ISLAND ROAD

4TH ST. S.E.

SNOHOMISH RIVER

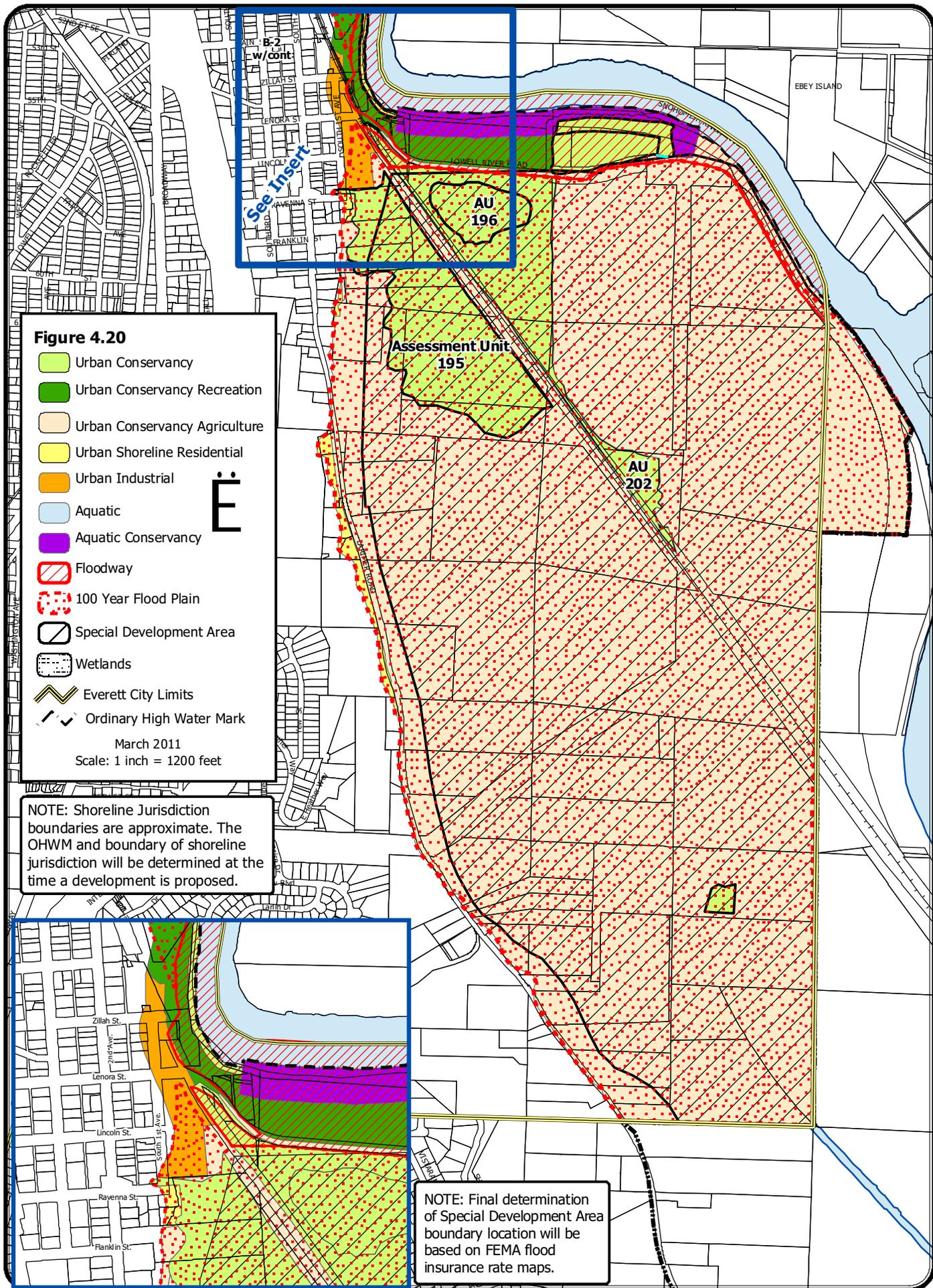
AER  
POND

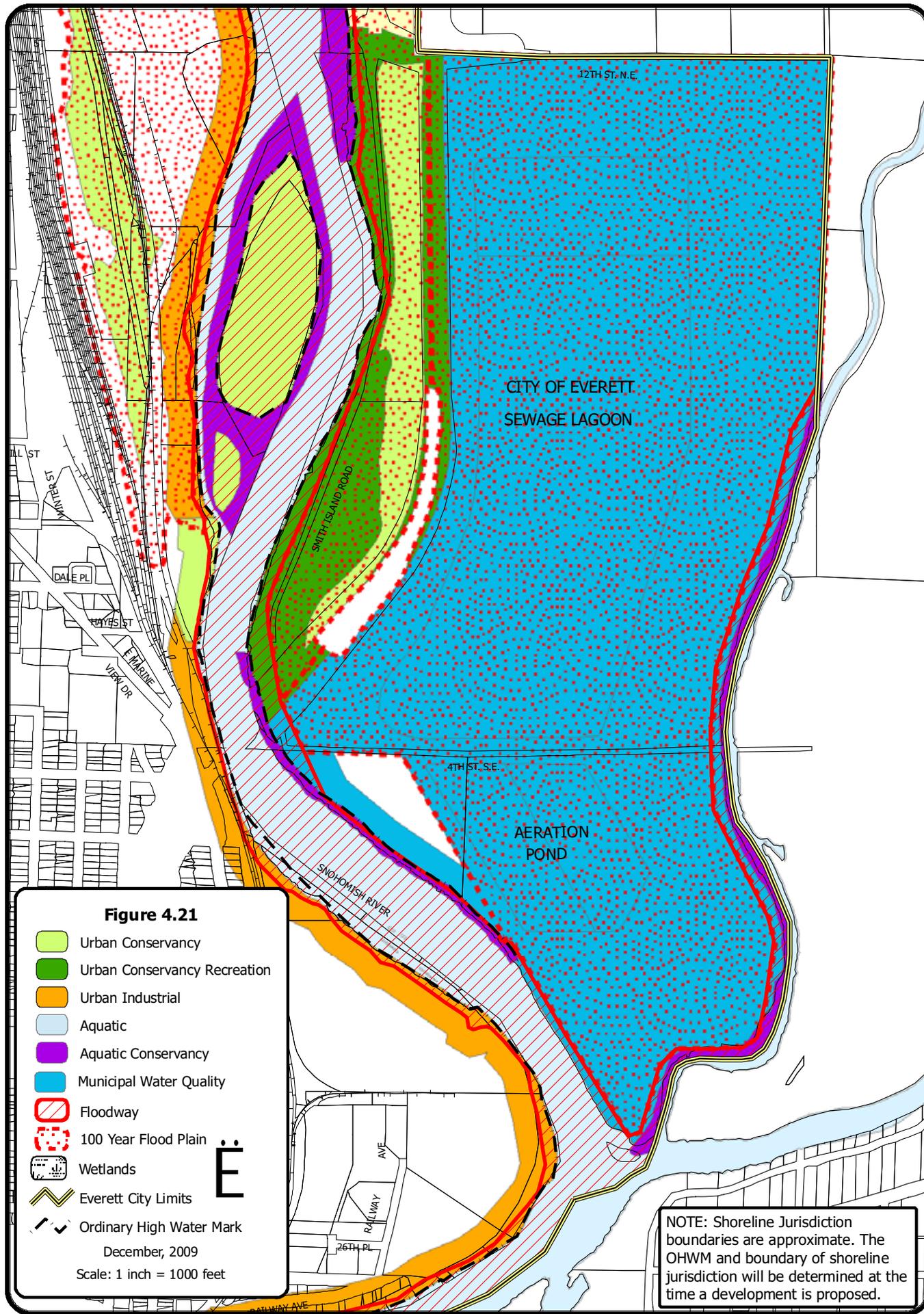
**Figure 4.19**

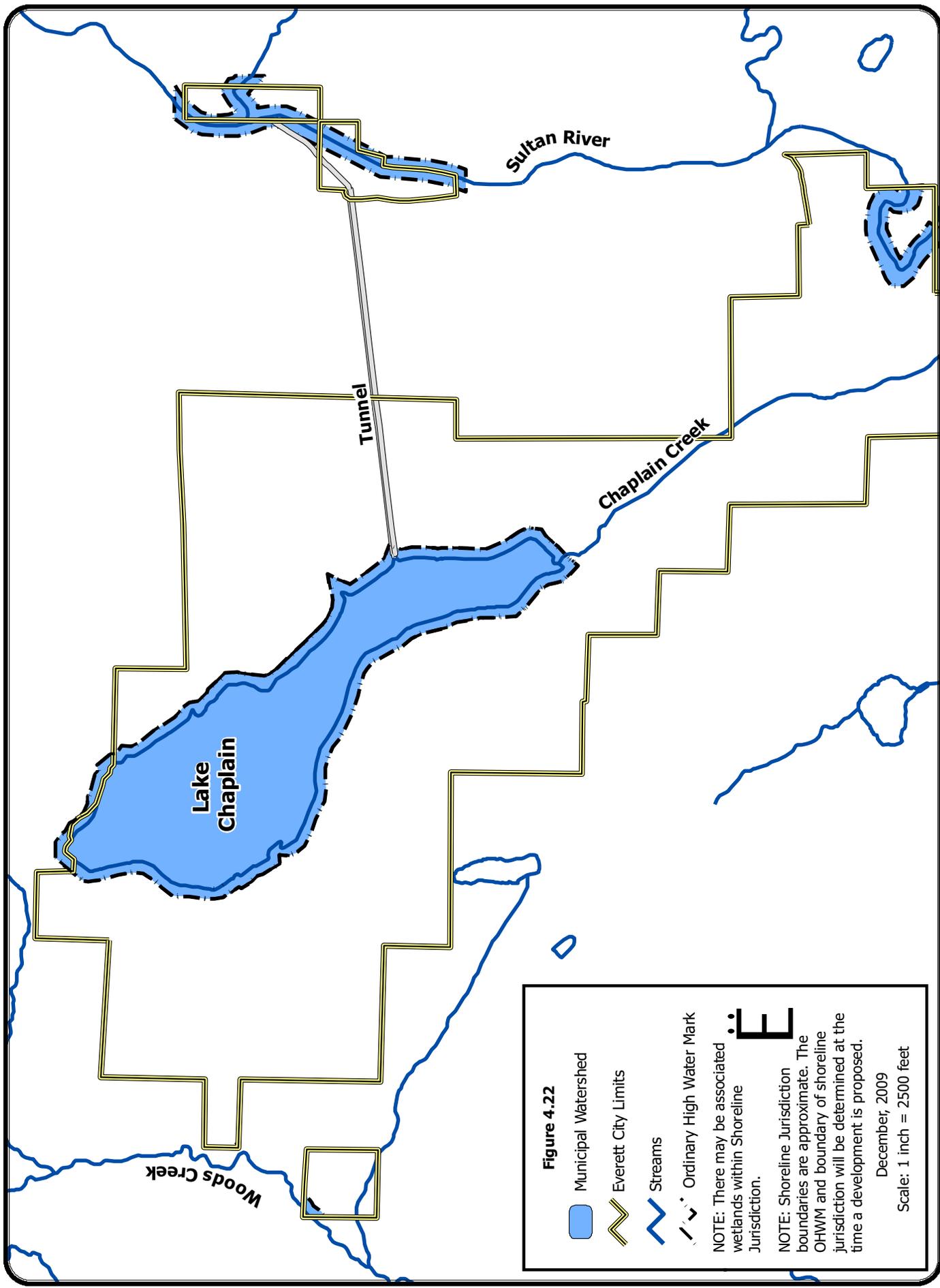
-  Urban Conservancy
  -  Urban Conservancy Recreation
  -  Urban Mixed Use Industrial
  -  Urban Industrial
  -  Aquatic
  -  Aquatic Conservancy
  -  Municipal Water Quality
  -  Floodway
  -  100 Year Flood Plain
  -  Wetlands
  -  Everett City Limits
  -  Ordinary High Water Mark
- December, 2009  
Scale: 1 inch = 800 feet



NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.







**Figure 4.22**

-  Municipal Watershed
-  Everett City Limits
-  Streams
-  Ordinary High Water Mark

NOTE: There may be associated wetlands within Shoreline Jurisdiction.

NOTE: Shoreline Jurisdiction boundaries are approximate. The OHWM and boundary of shoreline jurisdiction will be determined at the time a development is proposed.

December, 2009  
 Scale: 1 inch = 2500 feet

