

The applicant must demonstrate that the portion of the project within the Aquatic Conservancy meets the Conditional Use criteria per 6 of the Applicability sections of Chapter 2 of the SMP. The applicant's response to the criteria are below.

1. That the proposed use is consistent with the policies of RCW 90.58.020 and Everett's Shoreline Master Program and regulations.

Response: The use is consistent with SMP policies and regulations which allows for dikes. The applicable SMP regulations are addressed further under Chapter 3 and 6 of this report below.

2. That the use will not interfere with the normal public use of public shorelines.

Response: The dike is in existence and the reconstruction of the dike will not interfere with public use of the shoreline except during construction. There is a maintenance road atop the dike and the new dike will have the same access available.

3. That the use of the site and design of the project will be compatible with other authorized uses in the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program.

Response: The reconstructed dike will continue to be compatible with existing and planned uses in the area. The dike project is a repair of the existing dike.

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.

Response: Portions of the dike will be expanded into critical areas. See Exhibit 4A for details. Mitigation is required for any new impacts to wetlands, shorelines, or their buffers. This is addressed further in the Critical Area section of this report below.

5. That the public interest suffers no substantial detrimental effect.

Response: Failure to upgrade the dike could impact and cause detrimental effects to the surrounding properties during a flood event including critical public infrastructure of the City of Everett. Include Memo response to tribe as exhibit