

EXHIBIT B

CHAPTER 9

SHORELINE MANAGEMENT ELEMENT

This element addresses shoreline management issues in the City of University Place over the next twenty years, consistent with the need to integrate the requirements of the Growth Management Act (GMA) and the Washington State Shoreline Management Act (SMA). These issues include addressing State shoreline elements, uses, activities, environment designations and implementation. This element takes into consideration characteristics of the City of University Place shoreline including unique residential areas, [the Day Island waterway](#), and the Chambers Creek Properties.

STATE GOALS (RCW 36.70A.020)

Urban Growth

Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Economic Development

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capabilities of the state's natural resources, public services, and public facilities.

Property Rights

Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

Permits

Applications for both state and local governmental permits should be processed in a timely and fair manner to ensure predictability.

Open Space and Recreation

Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

Environment

Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

Citizen Participation and Coordination

Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Historic Preservation

Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

Shorelines of the State

The goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020.

COMMUNITY VISION

Land Use and Environment.

Residential areas and commercial corridors retain a green, partially wooded or landscaped character, although the city is almost fully developed. The public enjoys trail access to protected creek corridors, wetlands and greenbelts. As the gravel pit site on the Pierce County Chambers Creek Properties continue to open up gradually is reclaimed for public use, people enjoy expansive views, access to Puget Sound, and parks and recreation opportunities.

Parks and Recreation.

Expansion of parks and recreation services has been achieved through cooperative efforts of the City and School Districts and many citizen volunteers. Residents enjoy more neighborhood parks and public spaces, a community and civic center, public access to the shoreline, and a variety of recreation programs and activities for children, youth, adults, and senior citizens.

MAJOR SHORELINE ISSUES

Pierce County's ongoing efforts plans to turn part of the 900-acre Chambers Creek/Lone Star Northwest Gravel Mine site, to develop the Chambers Creek Properties for recreational uses along Puget Sound and Chambers Bay in the southwestern part of the city, into a park along Puget Sound offers an opportunity to add to the community's shoreline public access. Approximately 700 of the 900 acres are within the City of University Place.

The Burlington Northern-Santa Fe Railroad runs parallel to and along the Puget Sound shoreline. It provides a public access benefit from the

perspective of maintaining generally open views of the shoreline and Puget Sound from upland areas. However, the railroad forms a physical barrier that limits the expansion of physical access for the public to enjoy the shoreline. Enhanced public access may be achieved when sufficient funding and other support make possible such improvements as the Chambers Creek Properties pedestrian overpass. This crossing, which opened in 2011, reopened nearly three miles of marine shoreline on the waterward side of the tracks for public access after this area had been closed off to access for a century. Additional public access improvements along the railroad corridor will require the support and cooperation of the Burlington Northern-Santa Fe Railroad. There has been discussion about the future expansion of the railroad. Railroad expansion must be addressed.

The Day Island and Sunset Beach residential areas have historically developed in a manner where most single family dwellings are now non-conforming with respect to zoning regulations that apply to the remainder of the City's single-family neighborhoods. -and/or Shoreline Master Program policies and regulations, and special zoning overlay regulations that apply to these areas, recognize historic development patterns, minimize the number of properties classified as nonconforming, and support continued investment in the maintenance and improvement of these unique properties and neighborhoods.

The Day Island waterway, located between Day Island and the mainland, has supported development of marinas, a yacht club and a mix of commercial, industrial and other uses over the past century. The Mixed Use -- Maritime zoning classification and Day Island Medium Intensity Shoreline Environment

Designation recognize these historic uses and support appropriate water-oriented mixed use development, on the mainland side of the Day Island Waterway, where shoreline ecological impacts and potential impacts on nearby residential development can be mitigated.

Chambers Creek Canyon includes critical areas and offers wildlife habitat in a relatively undisturbed setting. Future planned recreational opportunities for the Chambers Creek Canyon include pedestrian trails. Development in the canyon, however limited, must protect habitat and critical areas.

GOALS AND POLICIES

This section of this Chapter contains the City of University Place general shoreline goals and policies. Goals provide broad general direction for the city on an issue, while the policies provide more detail about steps needed to implement each goal's intent. Discussions provide background information and may offer examples or clarify intent. Policies contained in the Shoreline Master Program provide more explicit direction consistent with, and in support of, the following goals.

SHORELINE ELEMENTS

GOAL SH1

To implement the Sshoreline Master Program consistent with the following classes of activities.

CIRCULATION

Policy SH1A

Establish and maintain a circulatory network capable of delivering people, goods, services, and emergency services at a high level of convenience, safety, and reliability while minimizing circulation impacts and conflicts between various modes of transportation.

Discussion: Circulation is closely intertwined with the shoreline resource. Public roads and railroad right-of-way are present along the shoreline. However, circulation also must take into consideration other transportation modes including pedestrian/bicycle paths/trails. Mitigate the circulation system's adverse impacts to avoid undesirable conflicts with the shoreline environment. Special effort should be made to minimize conflicts between the various means of motorized and non-motorized transportation particularly as the Chambers Creek Properties develop over time and offer increased shoreline public access.

CONSERVATION

Policy SH1B

Preserve and protect natural shoreline resources including scenic vistas, fish and wildlife habitat, shorelines, and other valuable natural or aesthetic features.

Discussion: Comprehensive Plan Chapter 3, the Environmental Management Element, states that the shoreline area is characterized by many natural features for fish and wildlife habitat, allows for scenic views, and contains other amenities associated with shoreline features. The shoreline's natural features should be preserved and protected, with opportunities for public access pursued consistent with applicable city regulations for the protection of these areas.

ECONOMIC DEVELOPMENT

Policy SH1C

Consider regional economic development needs provided by non-residential uses in or adjacent to the shoreline.

Discussion: Economic development related uses in the shoreline include the [Chambers Bay Golf Course and other recreational facilities within the Chambers Creek Properties](#), Pierce County Regional Wastewater Treatment Plant, ~~gravel mining operations~~, Burlington Northern-Santa Fe railroad, and private marinas. In many respects, these uses support economic development on a broader geographical level than just the City of University Place. ~~The gravel mining activities will be gradually reclaimed for recreational use over time consistent with the Pierce County Chambers Creek Properties Master Site Plan. The treatment plant and railroad, however, will likely be long-term uses in or near the shoreline.~~ Balancing the regional needs of these uses with the protection of the shoreline environment needs to be addressed.

HISTORIC, CULTURAL, SCIENTIFIC, AND EDUCATIONAL SITES AND STRUCTURES

Policy SH1D

Identify and preserve historic, cultural, scientific, and educational building sites or areas located within shoreline jurisdiction so that their values will not be lost to future generations.

Discussion: Historic, cultural, scientific, and educational value can be preserved and maintained through park use or historic designations. In addition, educational projects and programs that foster greater appreciation for shoreline management, maritime activities, environmental conservation and maritime history should be encouraged. Regulations should also address procedures to follow if archeological artifacts are uncovered during construction.

PUBLIC ACCESS

Policy SH1E

Maintain and improve reasonable public opportunities to view and access publicly owned shorelines and secure additional access for residential and general public use. Ensure that public access does not adversely intrude upon fragile natural areas and private property.

Discussion: The Pierce County Chambers Creek Properties Master [Site](#) Plan identifies future opportunities to improve public access to the city shorelines including a boat launch, nature trails

and piers. These and other opportunities within shoreline jurisdiction should be pursued, particularly since Puget Sound is a shoreline of statewide significance. This also includes possible opportunities for public access in existing residential areas.

The Burlington Northern-Santa-Fe railroad right-of-way does, in certain locations, form a physical barrier to shoreline public access. Underpasses and overpasses should be encouraged to achieve access to the shoreline if designed in a safe manner and provided that negative impacts to the shoreline are addressed.

RECREATION

Policy SH1F

Preserve and expand shoreline recreational activities in the City of University Place.

Discussion: The Pierce County Chambers Creek Properties Master Site Plan identifies future recreational activities in or immediately adjacent to the city's shoreline areas. Working with Pierce County and other agencies to implement the conversion of the Chambers Creek Properties to recreational use is appropriate so that public access and recreational activities along the shoreline are expanded. Activities that directly support recreational activities such as lighting, fencing, signage, and accessory utilities should be allowed in a manner compatible with protection of the shoreline area. In addition, very limited commercial activities are appropriate.

SHORELINE USE

Policy SH1G

Ensure overall coordination of shoreline use with other applicable policies and regulations affecting land use and with neighboring jurisdictions.

Discussion: The city's overall land use planning process and shoreline planning process must be considered in tandem. This will promote the best possible land use pattern while minimizing conflict between land uses. Integration between the Shoreline Management Act and Growth Management Act requirements, policies, and land use/shoreline environment designations will facilitate this coordination. In addition, the city's shorelines border other jurisdictions. Coordination with these other jurisdictions to foster compatible development along the shoreline areas is appropriate.

SHORELINE ENVIRONMENT DESIGNATIONS

GOAL SH2

Effectively manage shoreline resources by designating shorelines consistent with State guidelines and in keeping with the shoreline's physical character and historical development pattern.

"SHORELINE RESIDENTIAL" SHORELINE ENVIRONMENT DESIGNATION

Policy SH2A

Implement a Shoreline Residential shoreline environment designation to accommodate residential development and appurtenant structures associated uses that are consistent with the Shoreline Master Program in areas with existing or planned adequate water and sanitary sewer facilities, providing appropriate public access and recreational uses, while also minimizing adverse shoreline impacts. Protect, restore and manage the unique characteristics and resources of the aquatic areas between the ordinary high water mark and the minus 10-foot mean lower low water line adjacent to upland Shoreline Residential areas. In

developing regulations, give consideration to the historical development pattern of residential communities.

Areas to be designated "shoreline residential" should be developed predominantly with single-family residences.

~~meet one or more of the following criteria:~~

- ~~1) The shoreline is used or designated for areas dominated by or planned for residential development.~~
- ~~2) The shoreline is of lower intensity use, where surrounding land use is predominately residential and where urban services are available.~~
- ~~3) The shoreline is generally without significant environmental limitations to development such as steep slopes, landslide and erosion hazard areas, wetlands, and sensitive areas.~~

Discussion: The "Shoreline Residential" shoreline environment designation is to be applied to shoreline areas that previously have been extensively developed dominated by or planned for residential use development within the city limits. The objective is to recognize historical residential development patterns and accommodate continued residential investment while development and minimizing adverse impacts. Two primary areas in the City of University Place meet this designation: Sunset Beach and Day Island. Neither area provides opportunities for significant new residential development, so the primary focus is on maintaining the existing development pattern. While Sunset Beach does not have sanitary sewer at this time, the long-term goal of the city is to see that areas not served by sewer have service (see Capital Facilities Element, Policy CF6A). Therefore, Sunset Beach is appropriate for this environment designation. ~~The area between Day Island and Sunset Beach is also designated "Shoreline Residential."~~ Shoreline regulations should support and encourage the continued proper use of these

~~shoreline areas for residential purposes. This includes allowing reduced setbacks from the Ordinary High Water Mark (OHWM) to allow certain residences with unique development situations to be maintained, repaired and, in discrete circumstances, to be allowed limited expansion.~~

“URBAN CONSERVANCY” SHORELINE ENVIRONMENT DESIGNATION

Policy SH2B

Implement an “Urban Conservancy” shoreline environment designation to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses including residential development. Protect, restore and manage the unique characteristics and resources of the aquatic areas between the ordinary high water mark and the minus 10-foot mean lower low water line adjacent to upland Urban Conservancy areas, conserve and manage natural resources and habitat, to provide recreation and public access, and to designate areas with physical constraints and limitations for future development.

Areas to be designated “Urban Conservancy” should be appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, which are not generally suitable for water-dependent uses, if any of the following characteristics apply:

1. Shoreline areas are suitable for water-related or water-enjoyment uses.
2. Shoreline areas are open space, flood plain or other sensitive areas that should not be more intensively developed.

3. Shoreline areas have potential for ecological restoration.
4. Shoreline areas retain important ecological functions, even though partially developed; or
5. Shoreline areas have the potential for development that is compatible with ecological restoration.

~~Areas to be designated “Conservancy” should meet one or more of the following criteria:~~

- ~~1. Shorelines free from extensive development.~~
- ~~2. Shorelines of high recreational value or potential.~~
- ~~3. Shorelines with extensive or unique historic or cultural resources.~~

Discussion: Land uses within the “Urban Conservancy” shoreline environment shoreline designation should not adversely impact critical areas such as steep slopes, wetlands, and flood prone areas. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or critical areas either directly or over the long term should be the primary allowed uses. Where lawfully established residential structures exist within shoreline jurisdiction, residential uses and activities that are compatible with the purpose of the Urban Conservancy environment and do not result in significant impacts to ecological functions may be considered a primary allowed use. Public access, including walking/hiking trails, should be provided whenever feasible and significant ecological impacts can be avoided or mitigated. A variety of recreational uses as established by the comprehensive plan, zoning code, Chambers Creek Properties Master Site Plan and the Shoreline Master Program, should be allowed where the development of such uses is done in a manner that protects or enhances shoreline ecological functions. In permitting uses and activities ecological factors must be considered. Areas should, as much as possible, maintain their existing character or transition to a use or character more favorable to the restoration of the shoreline resource. Outdoor recreation activities are a preferred use in this designation. The Chambers Creek Properties, generally along

~~Puget Sound, would be appropriate for this designation.~~

**“NATURAL CONSERVANCY-LOW”
SHORELINE ENVIRONMENT
DESIGNATION**

Policy SH2C

Implement a “Natural Conservancy-Low” shoreline environment designation to protect those shoreline areas, specifically associated with Chambers Creek, that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. ~~for the Chambers Creek Canyon to reflect the Creek’s opportunities for passive recreation use while also protecting the Creek’s unique natural ecosystem and critical areas. Allow less intensive development than might typically be allowed in the “Conservancy” shoreline environment designation.~~

Areas should be designated “Natural” if any of the following characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity.
2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest;
or
3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

~~The Conservancy Low Environment designation should be based on one or more of the following criteria:~~

- ~~1.—The shoreline has some unique natural or cultural feature considered valuable in its natural or original condition.~~
- ~~2.—The shoreline is relatively intolerant of intensive human use.~~
- ~~3.—The shoreline is valuable as a historical, cultural, scientific or educational site by virtue of its natural unaltered original condition.~~
- ~~4.—The shoreline is subject to severe biophysical limitations such as steep slopes and landslide hazard areas, flood prone areas, and/or areas with soils that have poor drainage.~~

Discussion: ~~The Shoreline Master Program rules allow local jurisdictions to establish shoreline environment sub designations. The City of University Place is applying this concept to the “Conservancy” shoreline environment designation by creating a “Conservancy Low” shoreline environment designation sub category. The “Natural”~~low~~ designation reflects the development limitations imposed by the linear nature of the Chambers Creek corridor including the steep slopes, wetlands and the creek itself. It also reflects a desire to protect flora and fauna in areas that are in a semi-natural state and considers the site’s planned development as reflected by the Chambers Creek Properties Master Site Plan. While uses identified in the master plan might be acceptable, more intensive uses allowed by the “Conservancy” designation would not. Any use or modification that would substantially degrade the ecological functions or natural character of the Chambers Creek shoreline area should not be allowed. Scientific, historical, cultural, educational research uses, walking/hiking trails, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result. All developments and uses on the waters of Chambers Creek should be located and designed to reduce impacts to public views and to allow for~~

the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural conditions. New over-water structures should only be authorized for public access or ecological restoration.

“DAY ISLAND MEDIUM INTENSITY” SHORELINE ENVIRONMENT DESIGNATION

Policy SH2D

Implement a “Day Island Medium Intensity” shoreline environment designation to accommodate marinas and yacht clubs with boat moorage and related facilities and activities, water-oriented commercial, transportation and light industrial uses, and moderate density residential uses within mixed use projects, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded, where restoration is reasonably feasible. Additional purposes are to provide public access to the shoreline and recreational uses oriented toward the waterfront, to accommodate non-water-oriented uses on a limited basis where appropriate, and to protect, restore and manage the unique characteristics and resources of the areas between the ordinary high water mark and the minus 10-foot Mean Lower Low Water (-10’ MLLW) line. Areas to be designated “Day Island Medium Intensity” should currently support a mix of uses related to commerce, industry, transportation or navigation, recreation, and moderate density housing; or are suitable and planned for medium-intensity water oriented uses.

Discussion: The shoreline abutting the Day Island waterway is characterized by a variety of urban uses and activities, including commercial, light industrial, marina, yacht club, residential, and recreational uses. Together, these uses and

activities have the potential to create a vibrant shoreline that is consistent with and supportive of, University Place’s character and quality of life. These types of uses should be allowed within the Day Island Medium Intensity environment, with preference given to water-oriented uses. Non-water oriented uses should not be allowed except on the mainland side of the waterway as part of mixed use development that is predominantly water-oriented in terms of use.

The redevelopment and renewal of substandard and degraded shoreline areas should be encouraged. Future development of these areas should include restoration and/or enhancement of degraded shorelines and the provision of public access to the shoreline. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

All development and use on navigable waters and submerged lands should be located and designed to minimize interference with navigation, reduce impacts to public views, and to allow for the passage of fish and wildlife, particularly those species dependent on migration. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.

Improvements to water quality and sediment transport within the Day Island waterway should be given high priority. Such improvements may occur in conjunction with development proposals that require mitigation or as part of a voluntary restoration project.

“MARINE DEEPWATER” SHORELINE ENVIRONMENT DESIGNATION

Policy SH2E

Implement a “Marine Deepwater” shoreline environment designation to protect and manage the unique characteristics and resources of the areas waterward of the intertidal shoreline. This environment designation is intended to address concerns with activities that are anticipated to occur only in deep water marine areas such as dredge and mooring buoys.

The “Marine Deepwater” shoreline environment designation shall apply to all marine waters and underlying submerged lands between the minus 10-foot mean lower low water (-10’ MLLW) line and the center of the waterway.

Discussion: All developments and uses on navigable waters and submerged lands should be located and designed to minimize interference with surface navigation, to reduce impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Uses that adversely impact the ecological functions of critical saltwater habitats should not be authorized except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.

Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural conditions. New over-water structures should only be authorized for water-dependent uses, public access, or ecological restoration.

GENERAL ACTIVITY REGULATIONS

GOAL SH3

Manage shoreline activities consistent with shoreline preservation and restoration.

CLEARING AND GRADING

Policy SH3A

Limit clearing and grading in the shoreline and mitigate probable adverse significant environmental impacts upon the shoreline.

Discussion: Vegetative clearing including site clearing, right-of-way clearing, and damage to vegetation should be regulated depending on soil type, steepness of terrain, and habitat. Erosion should be prevented, shade should not be

adversely removed along streams, and rainwater runoff on exposed slopes should not be allowed. The removal of invasive non-native species and their replacement with native species should also be encouraged. In addition to shoreline policies and regulations, the City of University Place will use the site development permit and SEPA processes to control and mitigate significant adverse probable impacts associated with clearing and grading.

CRITICAL AREAS

Policy SH3B

Protect critical areas in the shorelines.

Discussion: Critical areas consist of some of the most fragile land and require protection from adverse development impacts. Critical areas provide for many functions such as fish and wildlife habitat, wetland protection and aquifer recharge. Protecting critical areas provides for public health and safety. The city’s shoreline areas include wetlands, fish and wildlife habitat corridors, floodplains, aquifer recharge and steep slopes. Additional policies addressing critical areas are contained in Chapter 3, Environmental Management Element.

OPEN SPACE AND VEGETATION PRACTICES

Policy SH3C

In areas characterized by open space or other vegetation, the following practices are appropriate.

- Maintain, enhance or restore native vegetative buffers-strips where needed between cultivated/managed lands and bodies of water to protect the aquatic environment by reducing runoff and siltation.
- Divert waters for open space/vegetation purposes only in accordance with water right procedures.

Discussion: Open space and vegetation practices include uses such as agricultural production, nursery production, large landscaped areas for residential uses, and open recreational areas including golf courses. They are uses

involving methods of vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance, and fertilization. Most of these practices ~~employ~~ require the use of chemicals that may be water soluble and wash into contiguous land or water areas. This can cause significant alteration and damage to plant and animal habitats. (See also Policy SH3D on Pesticides, Herbicides, and Fertilizers.)

PESTICIDES, HERBICIDES, FERTILIZERS

Policy SH3D

Regulate pesticides, herbicides and fertilizers to mitigate adverse water quality impacts and degradation and in accordance with applicable regulatory agency standards.

Discussion: Pesticides, herbicides and fertilizers leaching into water can affect water quality and fish and wildlife habitat. ~~One future long term use along the shoreline identified in the Pierce County Chambers Creek Properties Master Site Plan is a golf course.~~ The application of fertilizers, pesticides or other chemicals on the Chambers Bay Golf Course ~~this~~ and in conjunction with other uses, including residential, within or adjoining the shoreline, ~~or into waters that drain into the shoreline,~~ should be carefully managed consistent with the need to protect water quality and fish and wildlife habitat. Integrated pest management and best management practices (BMP's) should be used.

VEGETATION MANAGEMENT

Policy SH3E

Practice vegetation management techniques in the shoreline area that increase the stability of steep slopes, reduce the need for structural shoreline stabilization measures, improve the visual and aesthetic qualities of the shoreline, and/or enhance shoreline uses.

Discussion: Vegetation management includes activities to prevent or minimize the loss of and increase the extent of native vegetation along or near the shoreline that contribute to ecological values. Such activities may include the prevention or restriction of plant clearing and grading, vegetative rehabilitation and the control of invasive weeds and non-native species.

Vegetation management is an important technique in achieving a range of ecological functions necessary to protect shoreline ecosystems, support recovery of endangered species, maintain and enhance the physical and aesthetic qualities of the natural shoreline, avoid adverse impacts to soil hydrology and reduce the hazard for slope failure.

VIEW PROTECTION

Policy SH3F

~~Apply Emphasize~~ development regulations to new development to protect that do not impair or detract from the public's visual access to the water while discouraging; ~~except that,~~ the removal of natural vegetation in the shoreline areas for the sole purpose of removing impediments to views is discouraged.

Discussion: Significant scenic views of the shoreline exist within the shoreline areas. This visual access should be maintained and broadened through public access opportunities. The Community Character Element (Chapter 6) includes a policy for the city to consider a view protection ordinance. Shoreline views should be one consideration should the city decide to pursue adoption of such an ordinance. Increased building heights associated with redevelopment of existing properties located within the Day Island Medium Intensity shoreline environment have the potential to reduce territorial views of Puget Sound from nearby residences. View assessments for buildings greater than 35 feet in height should be used to identify and reduce potential impacts.

SHORELINE USE POLICIES

GOAL SH4

Manage shoreline activities to foster and accommodate reasonable uses consistent with shoreline preservation and restoration.

AQUACULTURE

Policy SH4A

Provide for aquaculture to assist with the recovery of native populations of fish and

wildlife while ensuring its compatibility with shoreline uses.

Discussion: While a preferred water dependent use, commercial aquaculture is ~~not~~ neither present in the city's shoreline area nor allowed under the Shoreline Master Program. If an aquaculture use is established in the city for fish and wildlife native population recovery purposes, it should be protected through techniques such as regulating navigation routing. Aquaculture should be regulated so that the use does not conflict with other shoreline uses.

ARCHEOLOGICAL AREAS AND HISTORIC SITES

Policy SH4B

Control development in the vicinity of identified valuable historic sites, cultural sites or structures to prevent incompatible uses and functional conflicts. Protect valuable historic and cultural sites and structures discovered during development.

Discussion: Archeological, scientific, historic, cultural, and educational structures, sites, and areas have significant statewide, regional, or local value and should be protected. Shoreline permits should contain a provision requiring developers to immediately stop work and notify the City, the State Department of Archaeology and Historic Preservation, local government and affected Indian tribe if archeological resources artifacts are uncovered during excavations. New development should be designed to avoid damaging significant archaeological and historic resources and enhance and/or be compatible with such resources. (Also see Policy SH1D.)

BOATHOUSES

Policy SH4C

Allow limited opportunities for boathouses that serve the private, non-commercial recreational needs of area residents.

Discussion: Noncommercial Bboathouses generally provide covered moorage for boats as an. In this respect, they are physically more substantial than piers or docks, but are typically less intensive than a commercial marina. Such a use provides a boat storage alternative to larger commercial marinas. However, they should be strictly regulated. Such bBoathouses should only be allowed if they are non-commercial and serve

the private recreational needs of the boathouse's property owners. New non-commercial boathouses should be located outside of required vegetation conservation area buffers and should not be located overwater. There is one existing non-commercial boathouse, not part of a marina, located in Sunset Beach. The boathouse is the principal structure of the property and is owned by individuals who do not reside in the shoreline area. There are also non-commercial, privately-owned boathouses within the Day Island Yacht Club.

MIXED USE COMMERCIAL DEVELOPMENT

Policy SH4D

Foster economic growth by encouraging redevelopment of non-residential properties on the mainland side of the Day Island waterway with a variety of commercial, light industrial, marina, residential and recreational uses within mixed use developments that are predominantly water-oriented. Prohibit commercial development in the shorelines except in very limited and specific circumstances.

Discussion: Historically, the Day Island waterway has supported a mix of uses including marinas, a yacht club, and commercial, industrial, recreational, residential and other uses and activities. Properties currently developed with marina and yacht club facilities and other non-residential uses are designated Day Island Medium Intensity in the Shoreline Master Program and zoned either Mixed Use – Maritime or R1 Residential. Both the SMP shoreline environment designation and zoning classifications support a continuation of existing water-oriented uses, which include the Day Island Yacht Club and Narrows Marina on the mainland side of the waterway and the Day Island Yacht Harbor on Day Island. Redevelopment of the properties on the mainland side of the waterway for mixed use development may be allowed provided it is predominantly water-oriented. Redevelopment of Day Island Yacht Harbor for non-water-oriented uses is restricted in order to minimize potential impacts on surrounding single-family residences from incompatible development. Generally, public access should be required when a project increases or creates demand for public access, impacts or interferes with existing access, impacts or interferes with public use of water, includes a

non-water-dependent use, or involves the creation of more than four residential lots or dwelling units within shoreline jurisdiction.

~~Commercial developments include uses involved in wholesale and retail trade or business activities. They range from small businesses to major concentrations of commercial uses and include tourist, tourist support, and destination type activities. Zoning in the shoreline area is primarily "R1" and "PF" (Public Facilities). Principal commercial uses are not typically allowed in these zones. Future use of the shoreline for commercial purposes will be limited and should, therefore, be prohibited except in very unique circumstances. These circumstances include the presence of existing marinas and the possibility that ancillary commercial uses might occur conjunction with the development of the Chambers Creek Properties. Policies addressing marinas and certain Chambers Creek Properties uses are addressed separately in this element (see Policy SH4I, Marinas; Policies SH1F and SH4O Recreation). In those instances where commercial or non-residential uses may occur, public access should be required.~~

DREDGING AND DREDGE MATERIAL DISPOSAL

Policy SH4E

Minimize damage to ecological values, natural resources, and water quality in areas to be dredged and areas selected for the deposit of dredged materials. Ensure that dredging operations minimize interference with navigation and adverse impacts to other shoreline uses, fish and wildlife habitat, and properties. Dredging of bottom materials waterward of the ordinary high water mark for the single purpose of obtaining fill material is generally prohibited, except for public repair or habitat restoration projects.

Discussion: Dredge material disposal is the depositing of dredged materials upland or into water bodies. Dredging and the deposit of dredge spoils can have negative impacts on water quality and habitat and should be discouraged. However, maintenance dredging to maintain navigation ways should be considered as one acceptable form of dredging as well as dredging for habitat restoration.

FISHERY RESOURCE

Policy SH4F

Encourage uses that promote and enhance the fishery resource.

Discussion: Chambers Creek has a fish counting station within the shoreline environment. The fish counting station's activities further the fishery resource. These and related fishery enhancement uses, such as hatcheries, that support the fishery resource should be allowed where appropriate. The most appropriate location for such facilities is within the urban conservancy shoreline environment, although fishery enhancement uses that meet the definition of aquaculture intended to assist with the recovery of native populations of fish and wildlife may be allowed in all shoreline environments. ~~This use type should be prohibited in the shoreline residential and conservancy-low environments.~~

FLOOD PROTECTION (Shoreline Protection)

Policy SH4G

Allow shoreline protection actions and also participate in the National Flood Insurance Protection (NFIP) program to protect persons and property from flood damage.

Discussion: For the purposes of the Sshoreline Master Program, flood protection actions are those shoreline protection actions primarily intended to reduce flood damage or hazard, control flooding. Flood hazard provisions also apply to uses, development and shoreline modifications that could increase flood hazards. Flood hazard reduction measures can consist of nonstructural measures such as setbacks, land use controls, wetland restoration, relocation of uses, biotechnical measures, or storm water management programs. Flood hazard reduction measures can also consist of dikes, revetments, bulkheads, floodwalls, channel realignment, or elevation of structures consistent with the National Flood Insurance Program (NFIP). Examples include berms, dikes and levees. Their use, while perhaps limited in University Place, should be available to some extent.

Also, floodplain development is subject to University Place Municipal Code (UPMC) Chapter 14.15 "Flood Damage Protection." These

requirements establish construction and site development standards and a permitting system enabling the City to participate in the Federal Emergency Management Agency's (FEMA) ~~National Flood Insurance Program (NFIP)~~. These regulations help protect persons, property and health, minimize the expenditure of public money, minimize the need for rescue and relief efforts and ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

IN STREAM STRUCTURES

Policy SH4H

Allow in stream structures that provide for the protection and preservation of ecological functions, recreation, fisheries enhancement, irrigation and cultural resources.

Discussion: The location and planning of in stream structures shall consider the full range of public interests and environmental concerns, with special emphasis on protecting and enhancing priority habitat and species and natural and cultural resources. In stream structures are more appropriate for the Urban Conservancy and Natural Conservancy-Low shoreline environment designations, although aquaculture intended to assist with the recovery of native populations of fish and wildlife may be allowed in all shoreline environments and should be prohibited in the Shoreline Residential designation.

LANDFILLING/FILL (Non-Solid Waste)

Policy SH4I

Allow ~~landfills fill with clean fill material~~ in limited circumstances, such as to provide limited backfill for bulkheads or for habitat/beach restoration projects, while protecting the shoreline's ecological and natural resource values.

Discussion: Fill is the deposition or stockpiling of earth materials such as soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates dry land. Any fill activity conducted within the shoreline jurisdiction should be located, designed, and constructed to protect shoreline ecological functions and system-wide processes. The quantity and extent of fill should

be the minimum necessary to accommodate an authorized shoreline use or development.

Fill should be allowed to accommodate berms or other structures to prevent flooding caused by sea level rise when other flood prevention methods or alternatives are not feasible. In addition, fill for the maintenance, restoration, or enhancement of beaches or mitigation projects should be authorized. Fill waterward of the ordinary high water mark should be authorized only to accommodate water-dependent uses, public access and recreational uses, cleanup of contaminated sites, restoration activities, or other water-dependent uses that are consistent with the goals and policies of the Shoreline Master Program.

~~Landfills result in the creation of dry upland area by filling or depositing materials into a shoreline area. In doing so, landfills can harm the shoreline resource and should be discouraged. In instances where landfills are allowed, appropriate protective measures should be employed to minimize impacts and only clean fill material should be used. Protective measures include designing and locating shoreline fills or cuts so that significant damage to existing ecological values or alteration of local currents will not occur and/or will not create a hazard or significant injury to adjacent life, property, and natural resources systems. All fill perimeters should provide suitable means for erosion prevention. Fill material quality should be regulated so that water quality degradation does not occur.~~

MARINAS AND OTHER BOATING MOORAGE FACILITIES

Policy SH4J

Support the continued operation, ~~and proper preventive~~ maintenance and enhancement of existing marinas, the yacht club and other boating facilities and support activities that have historically contributed to the development of the community. Discourage modifications to new marinas or the expansion of existing marinas and other boating facilities that would expand over-water coverage given the limited land and shoreline availability and configuration in the City.

Discussion: Currently there are two private marinas and a yacht club in the city providing moorage, primarily for boats and other pleasure

craft/boating. While providing a recreational function for the community, marinas can have environmental impacts on water quality and habitat (i.e., water pollution, solid waste, light) and can adversely impact adjacent land uses in terms of noise, glare, aesthetics and public visual access. Existing marinas should be allowed to operate encouraging repair and maintenance; however, eExpansion of marinas with respect to the amount of over-water coverage and shading created by covered moorage and other facilities and improvements should not be permitted. spaces is discouraged. Repairs or modifications maintenance to existing marinas should be designed in a manner that will not adversely impact the fish and shellfish resource, but will promote public safety and health and be aesthetically compatible with adjacent uses. Public access should be enhanced when modifications increase or create demand for public access, impact or interfere with existing access, or impact or interfere with public use of water. Adequate parking should be maintained and should be located as far upland as possible.

MINING

Policy SH4K

Prohibit new mining activities in the shoreline area and protect the shoreline resource and waters from rock, sand, gravel, mine-generated sediment, and other debris, whether or not the mining activity is located within shoreline jurisdiction. Encourage the reclamation of previously mined areas existing mining activities.

Discussion: Applicability. Chambers Creek Properties was the site of extensive gravel mining for over a century until commercial mining operations ceased in 2003. Site work associated with the conversion of this formerly mined land is authorized to continue under the Chambers Creek Properties Master Site Plan in order to support redevelopment and reclamation. Such activities, when conducted in accordance with the Mining Reclamation Plan approved by the Washington State Department of Natural Resources, shall not be considered mining. Such work shall be reviewed in accordance with the applicable provisions for the proposed non-mining use and the general provisions of this Shoreline Program, including vegetation conservation. New mining is incompatible with goals for shoreline areas within the City boundaries. Presently, gravel mining is

taking place upland in the Chambers Creek Properties site adjacent to the city's shoreline. Reclamation of the mining operations to recreational uses is envisioned in the adopted Pierce County Chambers Creek Properties Master Site Plan and this reclamation of existing mining operations is encouraged by the city. However, as the mining activity continues and as the transition occurs the shoreline area should be appropriately protected.

PIERS, DOCKS (PIERS, RAMPS AND, FLOATS

Policy SH4L

Allow piers and docks and other facilities, especially those that provide for public public or private moorage docking, launching, and recreational access, and those associated with water dependent uses and existing residential development. Facilities should be located, designed, constructed and maintained to protect shoreline ecological functions and system-wide processes. Facilities should allow for the maintenance and use of navigable waters, public access areas, and recreational opportunities. Facilities should minimize adverse impacts to adjacent land uses such as noise, light and glare, aesthetics, and public visual access, and they should minimize adverse impacts to other water-dependent uses. Mitigate probable significant adverse environmental impacts upon littoral drift, water circulation and quality, and critical area resources such as eelgrass beds and fish habitat. Ensure that the proposed number, size and density of the pier, dock, or float is compatible with surrounding water, land, and surrounding environment, and that the structures do not interfere with navigable waters or with the public's use of the shoreline.

Discussion: Docks may consist of pPiers, which are typically built on fixed platforms above the water, floats, and ramps that connect piers and floats to each other and to the shoreline. while docks float upon the water. As over water structures, piers, docks and floats require State

Environmental Policy Act (SEPA) review. These structures may also be subject to review by various state and/or federal agencies. SEPA shall serve as one technique to mitigate any probable adverse environmental impact upon the environment associated with this use activity. For example, impacts to geo-hydraulic processes should be reviewed. Joint use facilities are encouraged over a proliferation of multiple single use facilities.

Preference should be given to shared moorage facilities over single-user moorage where feasible. Moorage facilities should be sited and designed to avoid adversely impacting shoreline ecological functions and processes, and should mitigate for unavoidable impacts to ecological functions. Moorage facilities should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights including, but not limited to, boating, swimming, and fishing. Moorage facilities should be restricted to the minimum size necessary to meet the needs of the proposed use. Design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material, should be encouraged. No new or expanded covered moorage should be allowed.

PORTS AND WATER-RELATED INDUSTRY

Policy SH4M

Accommodate light industrial uses within mixed use development abutting the mainland side of the Day Island waterway provided the development is predominantly water-oriented within shoreline jurisdiction. Prohibit new port and water related industry in the City of University Place.

Discussion: Mixed Use – Maritime zoning and the Day Island Medium Intensity shoreline environment designation recognize historic industrial uses located along the mainland side of the Day Island waterway. This zoning and shoreline designation encourage economic development through the redevelopment of non-residential properties in this area. Such redevelopment may include light industrial uses and activities provided they are located, designed, and operated to avoid and minimize adverse

impacts on shoreline ecological functions and processes. Preference should be given to water-dependent industrial uses first, then to water-related industrial uses over non-water-oriented industrial uses. The preferred location for non-water-dependent industrial uses is within areas as far from the shoreline as feasible. City's shoreline would prohibit new port or water related industry (i.e., seafood processing plant). There is no appropriate location for such a use given the existing shoreline land use and development pattern.

PUBLIC ACCESS

Policy SH4N

Pursue opportunities for the public to view and access publicly owned shorelines and secure additional access for general public use. Recognize privacy and security needs of area residents when considering public access opportunities. Protect recognized shoreline public access locations from new encroachments that may preclude its use for public access. Enhance public access in conjunction with new development when warranted. (See also Policy SH1E.)

Discussion: Shoreline access is the public's ability to reach the water and/or the ability to have a view of the water from upland locations. Public access is one of the fundamental goals of the State Shoreline Management Act. The City of University Place is fortunate in that over half of its shoreline area is publicly owned. These publicly owned shorelines are planned to have public access. Other limited opportunities for public access exist, primarily limited to the right-of-way in residential areas. Still, public access can result in privacy and security concerns of local residents, particularly if access locations are in close proximity. These concerns need to be addressed as part of public access development. Public access should be required when a project increases or creates demand for public access, impacts or interferes with existing access, impacts or interferes with public use of water, includes a non-water-dependent use, or involves the creation of more than four residential lots or dwelling units.

RAILROADS

Policy SH4O

Allow railroads to continue and perform proper maintenance and safety improvements within the existing right-of-way but prohibit the expansion of railroads outside of the existing railroad right-of-way. Railroad improvements, including additional rail lines within the existing right-of-way, may only be allowed upon demonstrating that significant adverse environmental impacts to the shoreline environment and adjacent uses are adequately mitigated and upon the provision of an alternatives analysis that clearly justifies the need for a shoreline location. ~~Expansion of the rail line outside of the existing right-of-way is prohibited.~~ Relocating tracks landward of the existing right-of-way may have benefits and should be allowed upon demonstrating impacts to the shoreline environment can be mitigated.

Discussion: Burlington Northern-Santa Fe railroad owns and operates a railroad right-of-way in the city's shoreline areas. The railroad is one of the dominant features along the area under shoreline management jurisdiction. The city recognizes the investment made in the railroad; however, the city also recognizes that the railroad dominates the shoreline area and, to some extent, tends to divide the upland area from access to the shoreline. Overpasses or underpasses that facilitate safe pedestrian access to and from the shoreline are desirable. While maintenance of the railroad is appropriate for safe freight movement and travel, further expansion of the railroad outside of the existing right-of-way is prohibited. Railroads can limit shoreline access and impair the visual qualities of water-oriented vistas.

RECREATION

Policy SH4P

Encourage the development of recreational activities that expand and enhance public access to the shoreline areas while ensuring that ecological functions of the shoreline area are not significantly degraded.

Discussion: Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water

and shoreline, are preferred. Water-oriented recreational uses, such as boating, swimming beaches, and wildlife viewing, should have priority over non-water dependent recreation uses, such as sports fields. A variety of compatible recreation experiences and activities should be encouraged to satisfy diverse recreational needs. Recreational developments and plans should promote conservation of the shoreline's natural character, ecological functions and processes. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, sidewalks, bicycle paths, easements, and/or scenic drives. Recreation facilities should incorporate public education and interpretive signs regarding shoreline ecological functions and processes, historic and cultural heritage. Recreation facilities should be designed to preserve, enhance, or create scenic views and vistas.

The Pierce County Chambers Creek Properties Master Site Plan identifies proposals that, if implemented, will provide for greater recreational public access to the city's shoreline areas. This includes a public access pier, boat launch and pedestrian paths, including nature trails. These uses should be encouraged. Impacts of recreational uses need to be appropriately mitigated and attention should be given to the effect the development of a recreational site will have on environmental quality and natural resources.

RESIDENTIAL DEVELOPMENT I

Policy SH4Q

Recognize the unique historical residential development pattern presented by Sunset Beach and Day Island and encourage the proper maintenance and repair of single-family dwellings.

Discussion: Residential development on residentially designated urban shorelines is a priority use under RCW 90.58.020 in areas of existing development. Part of the city's shoreline is developed with residential uses. The primary issue will be ~~infill and~~ maintenance of existing uses rather than new subdivisions. In some cases, the historical development pattern has resulted in residential development located over the water or constructed to the ordinary high water mark (OHWM). Allowing these residential uses to continue by encouraging their appropriate and proper repair, maintenance and, in some instances, minor expansion should be allowed.

RESIDENTIAL DEVELOPMENT II

Policy SH4R

Prohibit new over water residences and floating homes or the expansion of existing over water residences more waterward than their existing location. Encourage the proper maintenance of existing structures.

Discussion: The Shoreline Master Program guidelines prohibit new over water residences, including floating homes and houseboats. Development of the shoreline in University Place should be consistent with this provision. Existing over water structures may be maintained, but in no case shall they be expanded to increase their over water coverage more waterward.

ROADS, BRIDGES AND PARKING

Policy SH4S

Plan, locate, and design new vehicular accessways away from shorelands if possible to minimize the adverse impact upon unique and fragile shoreline features and ecological functions, except when necessary to provide access to an allowed shoreline use. Discourage parking facilities in shoreline areas unless specifically supporting a preferred use or unless parking is intended to serve disabled individuals.

Discussion: Access roadways serving permitted shoreline uses are acceptable but otherwise new roads in the shoreline area should be discouraged. Parking facilities in the shoreline are not desirable given their environmental and visual impacts. Regulations should address impacts associated with parking facilities.

SEWAGE TREATMENT FACILITIES

Policy SH4T

Allow the continued proper and responsible operation and maintenance of existing sewage treatment facilities and support activities that have historically contributed to meeting regional sewage treatment needs. Require new or expanded sewage treatment facilities in the shoreline to demonstrate, at a

minimum, the need for the shoreline location and that impact can be mitigated.

Discussion: The Chambers Creek Wastewater Treatment Plant is located near Puget Sound and Chambers Creek. Expansion of this plant is envisioned by Pierce County Public Works and Utilities is ongoing. Expansion of a treatment plant of this size and magnitude can have many impacts. In the shoreline this includes, but is not limited to, aesthetic (visual) and odor impacts. Outfall pipes may raise water quality concerns. These impacts must be closely evaluated to ensure that shoreline impacts are adequately mitigated. (See also policies SH4Y and SH4Z, Utilities).

SEWER

Policy SH4U

Encourage the provision of sewer service to areas of the shoreline without sewers.

Discussion: Capital Facilities Element Policy CF6A calls for the city to work with sewer providers to develop a phased plan to offer sewer service to remaining areas of the city without sewer service. Parts of the shoreline do not have sewer service. This has potential for health and pollution concerns. Sewer service to areas within the shoreline area should be encouraged.

SHORELINE MODIFICATIONS S ACTIVITIES

Policy SH4V

Encourage shoreline modification s activities that minimize adverse impacts to the ecological functions and alteration to the natural shoreline environment. Encourage nonstructural and “soft” shoreline modification s activities rather than “hard” shoreline modification s activities. Regulate the use and development of “hard” shoreline modification s activities to minimize impacts to shoreline processes.

Discussion: Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not

limited to structures such as dikes, breakwaters, piers, docks, weirs, dredge basins, fill, bulkheads, or other actions such as clearing, grading, application of chemicals, or vegetation removal. Generally, shoreline modifications are undertaken to prepare for a shoreline use, support an upland use, or to provide stabilization or defense from erosion.

All new development should be located and designed in a manner that prevents or minimizes the need for shoreline modifications. Shoreline modifications should be regulated to assure that individually and cumulatively, the modifications do not result in a net loss of shoreline ecological functions. Preference should be given to those types of shoreline modifications that have a lesser impact on ecological functions. Compensatory mitigation of impacts resulting from shoreline modifications should be required.

~~Shoreline modification activities" include seawalls, bulkheads, breakwaters, rip-rap, jetties, groins, shoreline protection works, piers, levees, docks, channelization works, berms, and similar items. In general, shoreline modification activities can result in vegetation removal and damage to near shore habitat. Regulations should protect the shoreline from impacts of shoreline modification activities by requiring appropriate performance standards and/or by limiting additional hard shoreline protection measures to areas already predominantly characterized by such facilities. A preference should be on promoting nonstructural and "soft" shoreline modification structures rather than on "hard" shoreline modification structures.~~

SIGNS

Policy SH4W

Strictly regulate signs in the shoreline area so that they do not adversely block or otherwise interfere with visual access to the water or shorelands. Support the provision of necessary warning, navigational, and public recreational signage that furthers the public's safe enjoyment of the shoreline.

Discussion: Signage in the shoreline areas can add clutter and detract from the shoreline experience and should be minimized. All signage should be consistent with the scale of the use(s) and not adversely impact shoreline views. Provisions should be made to allow for appropriate navigation, safety and public information signs.

SOLID WASTE DISPOSAL

Policy SH4X

Prohibit solid waste landfills in shoreline areas.

Discussion: Solid waste disposal is the disposal of garbage, refuse and solid waste materials. Solid and liquid wastes are generated by recreational activities, industry, commerce, and residents. Solid waste landfills in the shoreline area are an inappropriate use and should be prohibited.

UTILITIES

Policy SH4Y

Site utilities in the shoreline area consistent with the utilities element of the comprehensive plan and in a manner compatible with the protection of the shoreline resource and environment. Allow for the necessary operation and maintenance of utilities when these activities occur within improved rights-of-ways. Ensure utilities satisfy necessary spill prevention containment and control plans and emergency response plans.

Discussion: Utility facilities produce and carry electric power, gas, telephone, cable, sewage, communications, water, and other public services. In addition to consistency with this shoreline management element, the installation and operation of utilities must also be consistent with the other comprehensive plan goals and policies, particularly the utilities element. The utilities element contains, for example, policies for undergrounding of utility lines and for street restoration following utility work. Ancillary utility facilities necessary to serve allowed shoreline uses should be permitted uses. However, to minimize impacts to the shoreline environment, areas damaged by the installation of utilities should be restored to pre-project condition or better, and replanted with native species and maintained until the new vegetation is established. (See also Policies SH4T and SH4U)

UTILITIES (Storm Drains/Outfalls)

Policy SH4Z

Construct and maintain storm drain and outfall facilities to meet all applicable standards for water quality.

Discussion: The city's shoreline area includes outfalls that deposit storm water and treated sewage into water. Water quality and siltation are considerations when locating outfalls. Permitting and water quality regulations are to be strictly followed. Proper maintenance of outfall facilities is encouraged to minimize possible siltation and water quality impacts.

SHORELINE ADMINISTRATION POLICIES

GOAL SH5

Administer the Sshoreline
Master Program in a fair and
predictable manner consistent
with shoreline protection.

GENERAL ADMINISTRATION

Policy SH5A

Administer the Shoreline Management Act through the required land use permitting processes consistent with the requirements of Chapter 90.58 RCW and Chapters 173-16, 173-18, 173-22, 173-26, and 173-27 WAC.

Discussion: The Shoreline Master Program administration is guided by State Law (RCW's) and the State Administrative Rules (WAC's). For example, local shoreline master programs and shoreline conditional use permits are approved by the Department of Ecology and local decisions on shoreline variances and substantial shoreline development conditional use permits are reviewed and decided on by the Department of Ecology. Administration of the local shoreline master program will be done in accordance with these guidelines.

NONCONFORMING USE AND DEVELOPMENT

Policy SH5B

Recognize the investment that non-conforming uses and development have

made while minimizing conflicts created by such uses and limiting their expansion.

Discussion: The City recognizes the substantial investment property owners have made in non-conforming uses or development. Non-conforming uses and development should be allowed to continue and be maintained, replaced, repaired and renovated but should not be allowed to be enlarged, increased or intensified without demonstrating that a public benefit will result and by demonstrating that probable adverse, significant environmental impacts to the shoreline environment can be mitigated.

SHORELINES OF STATEWIDE SIGNIFICANCE

Policy SH5C

Recognize the value of shorelines of statewide significance in the City of University Place.

Discussion: The Shoreline Management Act identifies certain shorelines as "Shorelines of State-wide Significance" and raises their status in two ways. First, the SMA sets specific priorities for uses of shorelines of statewide significance. These include:

- Long term benefits will be recognized over short term;
- The statewide interest is recognized over local interest;
- Preserve the natural character of the shoreline;
- Increase public access to publicly owned shorelines;
- Increase recreational opportunities for the public in the shoreline; and,
- Protect the resource and ecology of shorelines.

Secondly, the Shoreline Management Act calls for a higher level of effort in implementing its objectives on shorelines of statewide significance.

Within the City of University Place, Puget Sound is a shoreline of statewide significance RCW 90.58.030(2)(e)(iii). Implementation of the Shoreline Master Program consistent with the above two considerations is necessary.

BEST AVAILABLE SCIENCE

Policy SH5D

Use “best available science” in setting shoreline protection measures.

Discussion: The shoreline master program [guidelinesrules](#) emphasize the use of “best available science” in developing regulations and in making decisions. This approach is consistent with the Growth Management Act (GMA) that also requires local jurisdictions to use “best available science” in developing and adopting protection measures.

SHORELINE EDUCATION

Policy SH5E

Provide effective ways to educate and inform the public about the value of shoreline resources and about shoreline issues.

Discussion: A legislative finding of the [Sshoreline Mmanagement Aact](#) is that “...the shorelines of the state are among the most valuable and fragile of its natural resources...” In keeping with this finding the City of University Place should strive to educate the public about the value of the shoreline resource and related issues. This can be accomplished, for example, through coordinating public awareness and educational activities with local, regional and state agencies and with shoreline interest groups. For example, the City can make educational literature and other materials published by government agencies and organizations available at City Hall. Also, given the development of Chambers Creek Properties, the City could investigate partnerships in developing educational related facilities such as displays or museums. Use of the City’s web site and newsletter for shoreline issues is another forum for educating the public about the importance and value of the shoreline resource. Education efforts should be continual and, where applicable, grant funding should be pursued.

promote compliance with requirements and to promote predictable permit processing.

Discussion: Many shoreline uses and activities require permits not only from the City of University Place but also from State and federal regulatory agencies. Examples include, but are not limited to the Corps of Engineers, the [State](#) Department of Ecology, and the [State](#) Department of Fish and Wildlife. [SEPA-SEPA review](#) is also typically required. Numerous agencies can be involved in the shoreline permitting process and close permit coordination is desirable. The City can assist individuals applying for shoreline permits by maintaining awareness of these other agencies’ requirements. Referral of applicants to the Department of Ecology Permit Assistance Center is one way that individuals can seek assistance to comprehensively identify needed permits for an activity. The City will make this service known to individuals. City acceptance of the Joint Aquatic Resources Permit Application (JARPA) form is another means of facilitating permit applications involving multiple agencies. The City will coordinate with other regulatory agencies on their specific needs and permitting requirements so that uses and activities are lawfully permitted and authorized.

REGULATORY COORDINATION

Policy SH5F

Coordinate with other agencies having regulatory jurisdiction in the shoreline to

INTRODUCTION TO A BRIEF DESCRIPTION OF THE SHORELINE MASTER PROGRAM

Introduction

The City of University Place's Shoreline Master Program consists of shoreline goals and general policies contained in this Chapter, and specific shoreline policies and regulations contained in University Place Municipal Code Title 18. The program is adopted under the authority of RCW Chapter 90.58 and WAC Chapter 173-26.

Statutory Framework

The City of University Place manages the shoreline environment through implementation of the Shoreline Master Program. The Washington State Shoreline Management Act (SMA) provides guidance and prescribes the requirements for locally adopted Shoreline Master Programs. The goal of the SMA, passed by the Legislature in 1971 and adopted by the public in a 1972 referendum, is to "prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines". The SMA establishes a broad policy giving preferences to uses that:

- Protect shoreline natural resources, including water quality, vegetation, and fish and wildlife habitat;
- Depend on the proximity to the shoreline (i.e. "water dependent uses"); and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The SMA establishes a balance of authority between local and state government. Under the SMA, University Place has adopted a Shoreline Master Program that is based on state guidelines but tailored to the specific needs of the community. The program represents a comprehensive vision of how shoreline areas will be used and developed over time.

The Department of Ecology has issued State guidelines for Shoreline Master Programs in WAC 173-26. The guidelines are intended to assist local governments in developing master programs, which must be accepted and approved by the Department of Ecology as meeting the policy objectives of the SMA established under RCW 90.58.020 as well as the criteria for state review of local master programs under RCW 90.58.090. The City's 2013 Shoreline Master Program represents the culmination of the SMP Update process, which was completed in accordance with the requirements of Substitute Senate Bill (SSB) 6012, passed by the 2003 Washington State Legislature.

~~In June 1971, the Washington State legislature approved the Washington State Shoreline Management Act. The Act's language included provisions for a vote by the citizens of the State of Washington and, in November 1972 the voters of the State ratified the legislature's Shoreline Management Act by an approximate vote margin of 2 to 1.~~

~~The Act's objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all reasonable and appropriate uses that are dependent upon a waterfront location or which offer opportunities for the public to enjoy the State's shorelines. With this clear mandate the Shoreline Management Act~~

established a planning and regulatory program initiated at the local level under State guidance.

A master plan is intended to be general, comprehensive and long range. The goals, policies, proposals and guidelines are not directed at specific sites. Comprehensive means that this plan looks at the city's relationship with other regulatory agencies, present and future land and water uses and their impact upon the environment. Long range means that the shoreline master program is directed at least 20 years in the future, looking beyond immediate needs and following creative objectives rather than a simple projection of current trends and conditions.

Applicability -- Shoreline Jurisdiction

According to the SMA, the City's SMP regulations apply to all 'shorelines of statewide significance', 'shorelines', and their adjacent 'shorelands' [RCW 90.58.030].

- 'Shorelines of statewide significance' include portions of Puget Sound and other marine water bodies, rivers west of the Cascade Range that have a mean annual flow of 1,000 cubic feet per second (cfs) or greater, rivers east of the Cascade Range that have a mean annual flow of 200 cfs or greater, and freshwater lakes with a surface area of 1,000 acres or more.
- 'Shorelines' are defined as streams or rivers having a mean annual flow of 20 cfs or greater and lakes with a surface area of 20 acres or greater.
- 'Shorelands' are defined as the upland area within 200 feet of the ordinary high water mark (OHWM) of any shoreline or shoreline of statewide significance; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all associated wetlands and river deltas.
- 'Associated wetlands' means those wetlands that are in proximity to and either influence or are influenced by waters subject to the SMA [WAC 173-22-030(1)].

Puget Sound, Chambers Bay and Chambers Creek meet the designation criteria for 'shorelines of the state'. The Puget Sound and Chambers Bay shorelines are also designated as 'shorelines of statewide significance'. More specifically, the City's shoreline jurisdiction includes:

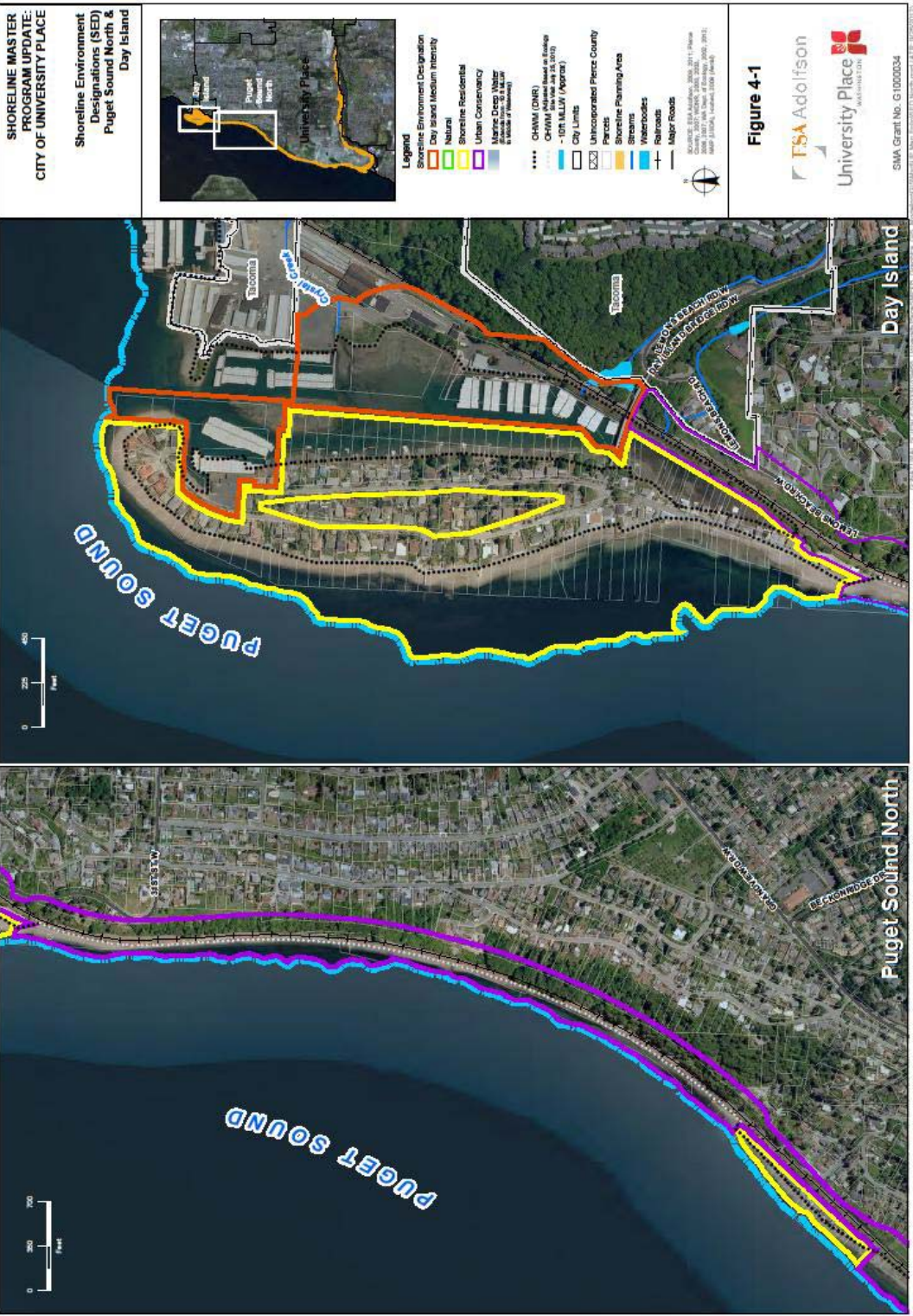
- Submerged lands waterward of the ordinary high water mark (OHWM) on Puget Sound and Chambers Bay within City jurisdiction;
- Lands within 200 feet of the OHWM of the Puget Sound shoreline within the City's municipal limits;
- All areas of the 100-year floodplains currently mapped by the Federal Emergency Management Agency (FEMA) that are associated with the above areas; and
- All mapped wetlands that lie adjacent and contiguous to the areas above that meet the definition of associated wetlands.

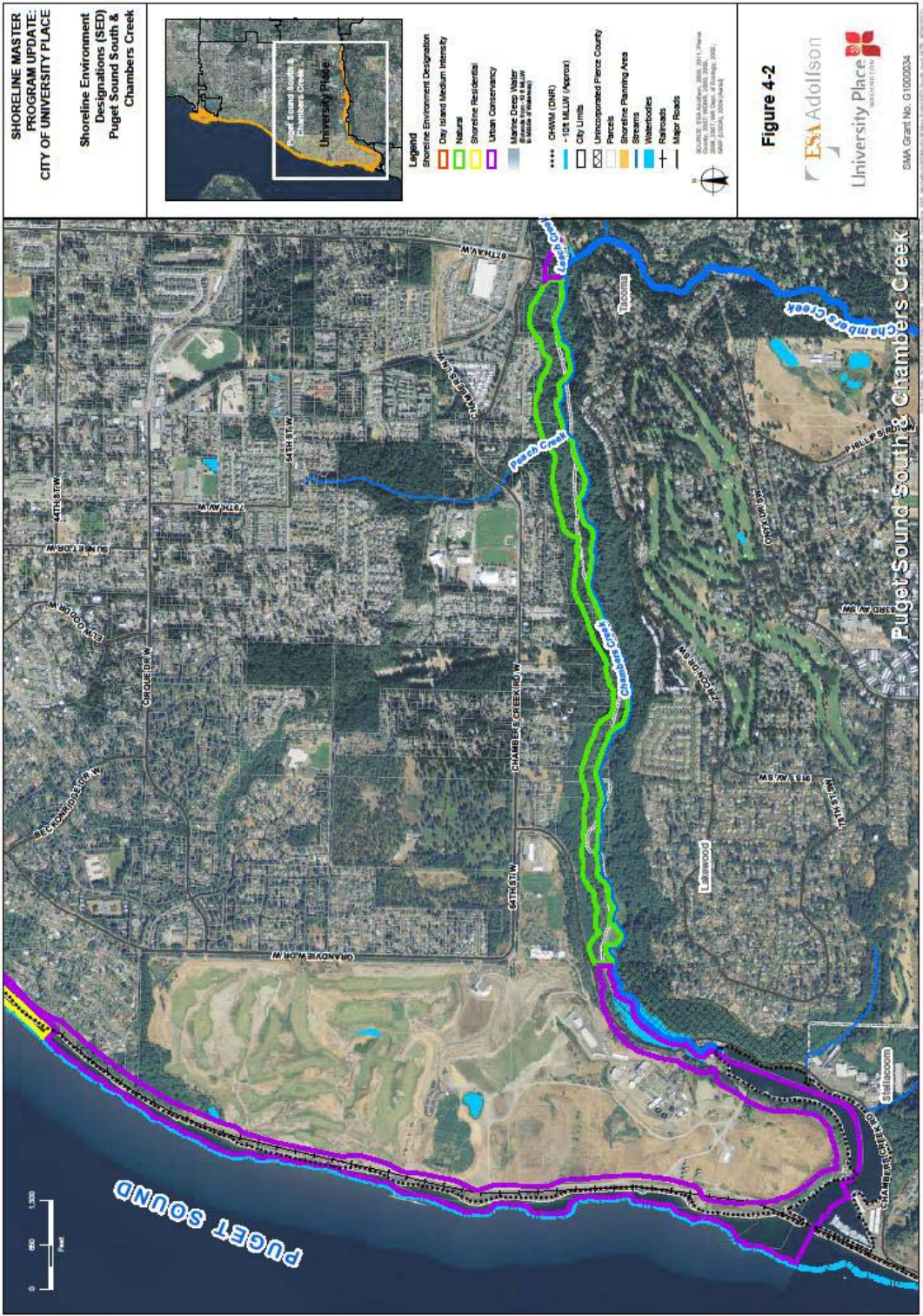
These areas cover a total of approximately 8.6 linear miles within the City limits, including 5.9 miles of marine shoreline and 2.7 miles of the Chambers Creek shoreline. The shoreline planning area (SPA) encompasses approximately 383 acres landward of the OHWM. The SPA extends out to the center of Puget Sound and therefore includes several hundred additional acres waterward of the OHWM (tidal and subtidal areas).

Shoreline goals, policies, regulations apply to all lands and waters in the City of University Place which are under the jurisdiction of the Shorelines Management Act of 1971.

These lands and waters are shown on the City of University Place Shoreline Environment Designation maps provided below, included in this Chapter as well as codified by University Place Municipal Code Title 18. It includes approximately four (4) miles of shoreline along Puget Sound from approximately Day Island to the north to the mouth of Chambers Creek to the south, as well as an approximately two-mile stretch along Chambers Creek. Only the north side of Chambers Creek falls within the city limits and, consequently, the city's shoreline jurisdiction.

Growth Management Act/SMA Integration





Integration of the Shoreline Management Act with the Growth Management Act

Under the Growth Management Act, Shoreline Master Program policies are defined as a part of the local comprehensive plan:

For shorelines of the state, the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations. (RCW 36.70A.480(1))

The City of University Place has elected to implement the State Shoreline Management Act, Chapter 90.58 RCW, through the adoption of goals and general policies in Chapter 9 of the City of University Place's Comprehensive Plan, and specific goals, policies and Title 18 of the development regulations in Title 18 of the City of University Place's Municipal Code.

This approach is consistent with the requirement for the integration of Shoreline Management Act requirements with the Washington State Growth Management Act ~~(GMA) adopted in 1990~~.

Shoreline Inventory and Characterization

An early step in the 2013 Shoreline Master Program Update process was to collect and analyze information and data on existing shoreline conditions. This information provided a basis for updating shoreline management goals, policies and regulations, and for identifying public access and shoreline restoration opportunities. The inventory and characterization also provided a baseline assessment of existing conditions and ecological functions against which measurement of no net loss could be assessed.

The Shoreline Inventory and Characterization Report prepared by ESA (October 2010) provides the shoreline inventory and analysis. The report includes a discussion of the ecosystem processes that influence the City's shorelines and provides more detailed descriptions of the ecological functions and land use patterns along each shoreline. Accompanying the Shoreline Inventory and Characterization Report is a series of maps depicting shoreline features and conditions (see listing, below).

Map Folio (Appendix A to Shoreline Inventory and Characterization Report)

Map 1: Vicinity

Map 2: Shoreline Planning Areas

Map 3: Hydrology

Map 4: Topography

Map 5: Soils

Map 6: Fish and Wildlife Habitat

Map 7: Geohazards

Map 8: Zoning

Map 9: Comprehensive Plan Land Use Designations

Map 10: Land Cover

[Map 11: Impervious Surfaces](#)

[Map 12: Transportation](#)

[Map 13: Parks, Trails, Open Space, and Public Access](#)

[Map 14: Nearshore Processes and Shoreline Modifications](#)

[Map 15: Coastal Shoreform Type and Shoreline Modifications](#)

In late 1998/early 1999 a shoreline biological inventory was conducted and a report prepared. The inventory covered a shoreline zone that included areas commonly referred to as the “near shore environment” as well as lands approximately located within 200 feet landward of the shoreline’s ordinary high water mark (OHWM).

The inventory estimated that approximately 80 percent of the City of University Place shoreline contains some type of biological resource. Both the Puget Sound shoreline and Chambers Creek contain some type of biological resource. For example, the Day Island lagoon and the Chambers Creek estuary (Chambers Bay) are waterfowl concentration areas. Chambers Creek provides salmon spawning and rearing habitat. Certain areas of the Chambers Bay and Chambers Creek also provide nesting, protective cover and foraging opportunities for a variety of birds, mammals and amphibians with the city’s urban environment.

The following provides a summary of the literature search and field investigation performed for the shoreline inventory. Copies of the shoreline inventory are available for review at the City of University Place Department of Planning and Community Development.

Review of Existing Information/Literature Search

Included in the shoreline inventory was a literature search. The following briefly summarizes the result of that search.

- Biological resources include lagoons, Urban Natural Open Space (UNOS), riparian areas, waterfowl concentration areas, nest sites and breeding territories of sensitive wildlife species, as well as anadromous, resident, and priority fish presence.
- More than 75 percent of the Chambers Creek Properties shoreline is designated UNOS. The Department of Fish and Wildlife (WDFW) considers UNOS areas important because they provide nesting, protective cover and foraging opportunities for a variety of birds, mammals, and amphibians in an urban environment. The other area near the city shoreline area designated UNOS include the steep hillside between Sunset Beach and Day Island. UNOS lands are not regulated by WDFW.
- WDFW identified the presence of anadromous, resident, and priority species in Chambers Creek and Leach Creek. Sport salmon fishing occurs near the mouth of Chambers Bay. Pelagic and demersal groundfish are present along the northern portion of the University Place marine shoreline. A long tract of sandlance larvae is identified along the city’s entire marine shoreline.
- Geoduck tracts are predominantly located in long, narrow bands along the central and southern portion of University Place’s Puget Sound shoreline.

- Diving birds, waterfowl, gulls and terns are common throughout the near shore environment in the fall, spring, and winter. Diving birds, gulls, terns, pelagic birds and bottom fish are common through the offshore areas. Raptors are known to utilize the Chambers Creek Properties.
- There are kelp beds along most of the University Place marine shoreline.
- In terms of noxious weeds there are no known infestations of *Spartina* or purple loosestrife within University Place.

Field Investigation

Field investigation confirmed that the majority of the areas identified from existing literature resources were appropriately located. The field investigation confirmed the presence of steep slopes inland of the railroad tracks along much of University Place's Puget Sound shoreline. For this reason there is relatively undisturbed upland corridor bordering the City. These steep slope areas provide high quality upland habitat for wildlife species. Further, the presence of steep slopes and the railroad may protect areas of the immediate shoreline from development pressures.

A significant number of snags and large perching trees were noted throughout the shoreline zone. Large individual snags and concentrations of snags provide breeding, foraging, and perching opportunities for raptors, woodpeckers and various cavity nesting bird and mammal species. Large trees located along the bluffs also provide resting and perching area for large raptors such as the bald eagle and red-tailed hawks.

Great Blue Heron, American coot, surf scoter, hooded merganser, common merganser, bufflehead, common goldeneye, and red-tailed hawk were spotted. There are numerous areas where waterfowl species congregate. These include sheltered coves near Day Island and the Chambers Creek estuary, as well as along the entire marine shoreline.

The field investigation of Chambers Creek also found that the tidally influenced estuarine area of Chambers Bay includes saltwater/brackish rearing habitat for salmon. Fish carcasses, likely Chinook or Coho were observed in this area of the Creek.

The section of Chambers Creek approximately 1/2 mile upstream from the dam includes impounded freshwater rearing habitat. Above this, Chambers Creek includes freshwater rearing habitat with limited spawning areas. This portion of the stream has moderate sinuosity, with many secondary channels and off channel rearing areas. It has a wide high quality riparian corridor.

Finally, the upper one (1) mile of Chambers Creek located west of the confluence with Leach Creek provides freshwater rearing and spawning habitat. This portion of the creek has a higher gradient channel with a high proportion of spawning in gravels and cobbles. The riparian area in this section is more narrow and steep than the portion below yet contains groundwater fed secondary channels, side channels, and remnant channels, all of

~~which provide important salmonid habitat. Chum salmon were observed spawning in the groundwater fed secondary channels located within University Place.~~

~~DRAFT: June 1, 1999
Revised: July 7, 1999
Revised: August 20, 1999
Revised: September 1, 1999
Revised: September 8, 1999
Revised: December 27, 1999
Revised: August 4, 2003~~

Cumulative Impacts

The next step in the 2013 SMP update process was to evaluate the new master program in light of the requirements of the 2003 SMP Guidelines for cumulative impacts. The SMA requires that a “cumulative impacts analysis” be prepared as per the WAC:

Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the act. To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of such cumulative impacts should consider:

- (i) Current circumstances affecting the shorelines and relevant natural processes;*
- (ii) Reasonably foreseeable future development and use of the shoreline; and*
- (iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws (WAC 173-26-186.8(d)).*

In addition, the cumulative impact analysis should address:

. . . the effect on the ecological functions of the shoreline that are caused by unregulated activities, development and uses exempt from permitting, effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties. Accordingly, particular attention should be paid to policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development that is to be regulated by the master program (WAC 173-26-201(3)(d)(iii)).

The Cumulative Impact Analysis report prepared by ESA (June 2012) describes the cumulative impact analysis. According to the SMA guidelines, the assessment of cumulative impacts occurs at both the planning stage (when the master program is being developed) and at the site development stage. The guidelines suggest that impacts of commonly occurring and planned development should be assessed at the planning stage “without reliance on an individualized cumulative impacts analysis.” In contrast, developments that have unforeseeable or uncommon impacts, which cannot be

reasonably identified at the time of SMP development, should be evaluated via the permitting processes to ensure that all impacts are addressed and that there is no overall loss of ecological function after mitigation (WAC 173-26-201(3)(d)(iii)). Therefore, the *Cumulative Impact Analysis* report provides a planning level assessment of the potential cumulative impacts that would result from use and development within the shoreline jurisdiction into the foreseeable future.

Restoration Plan

The *Restoration Plan* prepared by ESA and Coastal Geologic Services (June 2012) provides the restoration element of the City of University Place's SMP. The SMP guidelines require that local governments develop SMP policies that promote "restoration" of impaired shoreline ecological functions. In developing restoration strategies, local governments are directed to make "real and meaningful" use of established policies and programs that contribute to restoration objectives.

The City's *Shoreline Inventory and Characterization Report* identifies where shoreline ecological functions and ecosystem processes have been impaired. In updating its SMP, the City was required to identify and plan for ways to restore or enhance those functions and processes that have been impaired. In the context of the SMP, planning for shoreline restoration included establishing goals and policies, working cooperatively with other regional entities, and supporting restoration through other regulatory and non-regulatory programs.

The restoration opportunities discussed in the *Restoration Plan* are provided at a conceptual level for planning purposes only. Restoration within the shoreline will be accomplished on a voluntary basis as funding becomes available. The end goal of restoration planning efforts is that the non-regulatory elements of the SMP, when implemented alongside the regulatory elements of the SMP, will achieve overall improvements in shoreline ecological functions over time when compared to the status upon adoption of the master program." This overarching goal is accomplished primarily through two distinct objectives:

- **Protection** of existing shoreline functions through regulations and mitigation requirements to ensure "no net loss" of ecological functions from baseline environmental conditions; and
- **Restoration** of shoreline ecological functions that have been impaired from past development practices or alterations.

Figure 3 below illustrates the role of the SMP update in achieving no net loss both through mitigation and restoration.

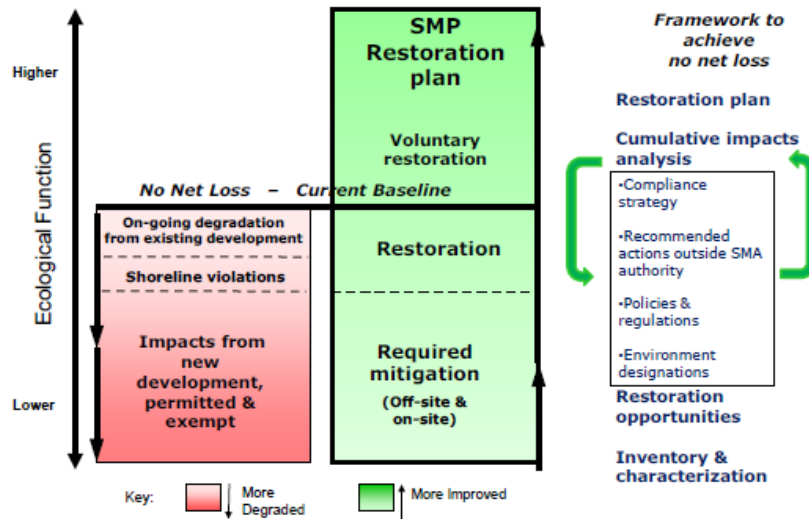


Figure 3. Achieving No Net Loss of Ecological Function

The concept of no net loss of shoreline ecological function is embedded in the SMA and in the goals, policies and governing principles of the shoreline guidelines. The State’s general policy goals for shorelines of the state include the “protection and restoration of ecological functions of shoreline natural resources.” This goal derives from the SMA, which states, “permitted uses in the shoreline shall be designed and conducted in a manner that minimizes insofar as practical, any resultant damage to the ecology and environment of the shoreline area.”

The restoration planning component of the SMP is focused on voluntary mechanisms, not regulatory provisions. Restoration planning and project opportunities are contingent upon identifying available funding sources (such as grants), volunteer programs, potential economic incentive opportunities to encourage property owners to take elective restoration actions, and other programs that can contribute to a no net loss strategy based on voluntary actions. However, the restoration framework developed for these non-compensatory mitigation projects can also be applied to compensatory mitigation projects where applicable to offset project impacts. In this way, all efforts to improve ecosystem functioning are coordinated, and will be designed to work together.