

CHAPTER 4

GENERAL SHORELINE POLICIES AND REGULATIONS

4.1 GENERAL SHORELINE POLICIES AND REGULATIONS

The provisions of this chapter shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation.

4.1.1 ARCHAEOLOGICAL AND HISTORIC RESOURCES

INTRODUCTION

Archaeological areas, ancient villages, military forts, old settlers' homes, ghost towns, and trails were often located on shorelines because of the proximity of food and resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past, these locations should be preserved.

The following policies and regulations apply to archaeological and historic resources that are recorded at the State Historic Preservation Office and/or by the City of Mountlake Terrace, or which are inadvertently uncovered. Archaeological sites are subject to RCW 27.44 (Indian graves and records) and RCW 27.53 (Archaeological sites and records). Developments or uses that may impact such sites shall comply with WAC 25-48 and the provisions of this chapter.

POLICIES

1. Consult with professional archaeologists, Washington State Department of Archaeology and Historic Preservation (DAHP), and affected Indian tribes to identify areas containing potentially valuable archaeological data, and to establish procedures for salvaging the data.
2. Preserve wherever feasible, sites with high value for scientific study and public observations.
3. Due to the limited and irreplaceable nature of archaeological and historic resources, prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and DAHP.
4. Attach a special condition to shoreline permits in areas documented to contain archaeological resources providing for site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes to ensure that possible archaeological data are properly salvaged.
5. Ensure that all applicable provisions of the National Historic Preservation Act of 1966 and the State Historic Preservation Act (RCW 43.51) are complied with.

REGULATIONS

1. All shoreline permits shall contain a special provision requiring permittees to notify the City of Mountlake Terrace if any possible archaeological data are uncovered during excavation or development.

2. All permits issued for development in areas known to be archaeologically significant shall provide for site inspection by a qualified archaeologist, in coordination with affected Indian tribes, prior to initiation of any development activity.
3. All development proposed for location adjacent to historical sites which are registered on the state or national historic register shall be located and designed so as to be complimentary to the historic site. Development which degrades or destroys the historic character of such sites shall not be permitted.
4. Developers and property owners shall immediately stop work and notify the City of Mountlake Terrace, DAHP (State Office of Archaeology and Historic Preservation), and affected Indian tribes if archaeological resources are uncovered during excavation.

4.1.2 CRITICAL AREAS

INTRODUCTION

Critical areas include the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, and frequently flooded areas.

REGULATIONS

1. The City of Mountlake Terrace Critical Areas Ordinance, as codified in Chapter 16.15 of the MTMC (Ord. 2370, 2004), are herein adopted as a part of this Program, except for the specific subsections list below. Please refer to Appendix B for the adopted provisions of the Critical Areas Ordinance. Where there are conflicts between the City of Mountlake Terrace Critical Areas Ordinance and this Shoreline Master Program, provisions of the Shoreline Master Program shall prevail. All references to the City of Mountlake Terrace Critical Areas Ordinance in this Program are for this specific version. The provisions of the City of Mountlake Terrace Critical Areas Ordinance, less the exceptions listed below, shall apply to any use, alteration, or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required.
2. The following provisions of the City of Mountlake Terrace Critical Areas Ordinance shall not apply to critical areas within shoreline jurisdiction:
 - a. MTMC 16.15.020 Definitions.
 - b. MTMC 16.15.040.A.8, 9, and 10. Exemptions.
 - c. MTMC 16.15.080.C. Wetland Classification.
 - d. MTMC 16.15.080.G. Geologic Hazard Classifications.
 - e. MTMC 16.15.090.B.1. Wetland buffers.
 - f. MTMC 16.15.090.B.3. Geologic hazard area setbacks.

- g. MTMC 16.15.090.C.1.a, b, and c. Wetland buffers.
 - h. MTMC 16.15.090.C.4. Critical Geologic Hazard Areas.
 - i. MTMC 16.15.090.D. Buffer Width Variance.
 - j. MTMC 16.15.100.D. Geologic Hazard Areas.
 - k. MTMC 16.15.110. Mitigation standards, criteria, and plan requirements.
 - l. MTMC 16.15.120.D. Geologic Hazard Areas.
 - m. MTMC 16.15.150 Reasonable Use Provision.
3. Wetland Delineation. Wetlands shall be delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements, as required by WAC 173-22-035. Wetland delineation shall be no more than 5 years old.
 4. Wetland Classification and Rating. Classification and rating of wetlands shall be conducted in accordance with the Washington State Wetland Rating System for Western Washington – Revised (Ecology Publication No. 04-06-25, August 2004, annotated August 2006).
 5. The standards and criteria for alteration or development of critical areas contained in MTMC 16.15.100 shall be applied to shorelines in such a manner to achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function, consistent with the provisions of WAC 173-26-221(2)(c).
 6. Wetland buffers.
 - a. Buffer Requirements. The standard buffer widths in Table 4-1 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington.
 - i. The use of the standard buffer widths requires the implementation of the measures in Table 4-2, where applicable, to minimize the impacts of the adjacent land uses.
 - ii. If an applicant chooses not to apply the mitigation measures in Table 4-2, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.
 - iii. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

- iv. Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 225 feet (75 + 150).

Table 4-1 Wetland Buffer Requirements

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category I: Based on total score	75 ft	Add 30 ft	Add 90 ft	Add 150 ft
Category I: Bogs	190 ft	NA	NA	Add 35 ft
Category I: Natural Heritage Wetlands	190 ft	N/A	NA	Add 35 ft
Category I: Forested	75 ft	Add 30 ft	Add 90 ft	Add 150 ft
Category II: Based on score	75 ft	Add 30 ft	Add 90 ft	Add 150 ft
Category III (all)	60 ft	Add 45 ft	Add 105 ft	NA
Category IV (all)	40 ft	NA	NA	NA

Table 4-2 Required measures to minimize impacts to wetlands
 (Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	Locate activity that generates noise away from wetland If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source
Toxic runoff	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered Establish covenants limiting use of pesticides within 150 ft of wetland Apply integrated pest management
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development when feasible Prevent channelized flow from lawns that directly enters the buffer Use Low Intensity Development techniques (per PSAT publication on LID techniques)
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	Use best management practices to control dust
Disruption of corridors or connections	Maintain connections to offsite areas that are undisturbed Restore corridors or connections to offsite habitats by replanting

- v. Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

- (1). The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
 - (2). The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
 - (3). The adjacent land has minimal vegetative cover or slopes greater than 30 percent.
- vi. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:
- (1). The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area.
 - (2). The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.
 - (3). The total area of the buffer after averaging is equal to the area required without averaging.
 - (4). The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.
- vii. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:
- (1). There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
 - (2). The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a critical areas report from a qualified wetland professional.
 - (3). The total buffer area after averaging is equal to the area required without averaging.

- (4). The buffer at its narrowest point is never less than either 3/4 of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.
- b. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:
- i. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
 - ii. Passive recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:
 - (1). Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.
 - (2). Wildlife-viewing structures.
 - iii. Educational and scientific research activities.
 - iv. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.
 - v. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
 - vi. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.
 - vii. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand

removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

- viii. Stormwater management facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:
 - (1). No other location is feasible; and
 - (2). The location of such facilities will not degrade the functions or values of the wetland; and
 - (3). Stormwater management facilities are not allowed in buffers of Category I or II wetlands.
- ix. Non-Conforming Uses. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

c. Signs and Fencing of Wetlands and Buffers:

- i. Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
- ii. Permanent signs. As a condition of any permit or authorization issued pursuant to this Chapter, the Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.
 - (1). Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one (1) per lot or every fifty (50) feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Administrator:

"Protected Wetland Area - Do Not Disturb

Contact the City of Mountlake Terrace Regarding Uses,
Restrictions, and Opportunities for Stewardship”

(2). The provisions of Subsection (a) may be modified as necessary to assure protection of sensitive features or wildlife.

iii. Fencing

(1). The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.

(2). Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

7. Compensatory Mitigation.

a. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

- i. Avoid the impact altogether by not taking a certain action or parts of an action.
- ii. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
- iii. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
- iv. Reduce or eliminate the impact over time by preservation and maintenance operations.
- v. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
- vi. Monitor the required compensation and take remedial or corrective measures when necessary.

b. Requirements for Compensatory Mitigation. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans:

- i. Shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1, (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised.

- ii. Shall be consistent with mitigation ratios in subsection 4.2.1.7.g (Wetland Mitigation Ratios) of this Chapter.
 - iii. Mitigation requirements may also be determined using the credit/debit tool described in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Operational Draft” (Ecology Publication #10-06-011, February 2011, or as revised) consistent with subsection 4.2.1.7.h of this Chapter.
 - c. Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:
 - i. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
 - ii. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.
 - d. Preference of Mitigation Actions. Methods to achieve compensation for wetland functions shall be approached in the following order of preference:
 - i. Restoration (re-establishment and rehabilitation) of wetlands.
 - ii. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.
 - iii. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.
 - iv. Preservation. Preservation of high-quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement, provided that a minimum of 1:1 acreage replacement is provided by re-establishment or creation.

Preservation of high-quality, at risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:

- (1). Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA listed species.
- (2). There is no net loss of habitat functions within the watershed or basin.
- (3). Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost.
- (4). The impact area is small (generally $\frac{1}{2}$acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).

All preservation sites shall include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

- e. Type and Location of Compensatory Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be either in kind and on site, or in kind and within the same stream reach, sub-basin, or drift cell (if estuarine wetlands are impacted). Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:
 - i. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
 - ii. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and
 - iii. Off-site locations shall be in the same sub-drainage basin unless:
 - (1) Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site; or

- (2) Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the bank's certification;
 - (3) Fees are paid to an approved in-lieu fee program to compensate for the impacts.
 - iv. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.
- f. **Timing of Compensatory Mitigation.** It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
 - i. The Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the City.

- g. Wetland Mitigation Ratios. The wetland mitigation ratios are based on the category and type of wetland as shown in Table 4-3. Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1a or 1b, *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1*, (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised).

Table 4-3 Wetland Mitigation Ratios.

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation
Category I: Bog, Natural Heritage site	Not considered possible	6:1	Case by case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

- h. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II”(Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the Administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Operational Draft,” (Ecology Publication #10-06-011, Olympia, WA, February 2011, or as revised).
- i. Mitigation Plan, Compensatory. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:
- i. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in minimum standards for Wetland Reports (of this Master Program (Appendix B, Attachment 1 (MTMC 16.15.070.B)).
 - ii. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full

guidance can be found in Wetland Mitigation in Washington State— Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).

- (1) The written report must contain, at a minimum:
 - (a) The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
 - (b) Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
 - (c) Description of the existing wetland and buffer areas proposed to be impacted. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding lands uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on Wetland Ratings determination per Section 4.1.2.4 of this Chapter.
 - (d) Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. . Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?).
 - (e) A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
 - (f) A description of the proposed mitigation construction activities and timing of activities.
 - (g) A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including

proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).

- (h) An itemized estimate of the cost to guarantee successful implementation for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring. Performance and maintenance warranties shall comply with City regulations, Chapter 15.35 MTMC.
 - (i) Proof of establishment of a conservation easement for the wetlands and buffers on the project site, including the compensatory mitigation areas.
- (2) The scaled plan sheets for the compensatory mitigation must contain, at a minimum:
- (a) Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.
 - (b) Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.
 - (c) Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.
 - (d) Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.

- (e) Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter.
 - (f) A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, timing of installation.
 - (g) Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.
 - (3) Buffer Mitigation Ratios. Impacts to wetland buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.
- j. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.
- k. Wetland Mitigation Banks.
 - i. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - (1) The bank is certified under state rules;
 - (2) The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - (3) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
 - ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In

some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

- I. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop a program which prioritizes wetland areas for use as mitigation and allows payment of fees in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. The program should address:
 - i. The identification of sites within the City/County that are suitable for use as off-site mitigation. Site suitability shall take into account wetland functions, potential for wetland degradation, and potential for urban growth and service expansion, and
 - ii. The use of fees for mitigation on available sites that have been identified as suitable and prioritized.
- m. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation and state water quality regulations.
- n. Alternative Mitigation Plans. The Administrator may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter.

The Administrator shall consider the following for approval of an alternative mitigation proposal:

- i. The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Ecology Publication #09-06-32, Olympia, WA, December 2009.)
- ii. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
- iii. Mitigation, according to subsection 7.e is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards;
- iv. There is clear potential for success of the proposed mitigation at the proposed mitigation site;

- v. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in subsection 7.i (Compensatory Mitigation Plan);
- vi. The plan shall be reviewed and approved as part of overall approval of the proposed use;
- vii. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative;
- viii. Mitigation guarantees shall meet the minimum requirements as outlined in 4.1.2.7.i.ii.(1)(h) of this Chapter.
- ix. Qualified professionals in each of the critical areas addressed shall prepare the plan.

4.1.3. FLOOD HAZARD REDUCTION

INTRODUCTION

The following provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and of structural measures, such as weirs, dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the Federal Emergency Management Agency (FEMA) National Flood Insurance Program.

POLICIES

1. Flood hazard reduction measures should be consistent with applicable provisions of City stormwater management, floodplain, and critical areas regulations, as well as the National Flood Insurance Program.
2. Structural flood control devices should be allowed only after it is demonstrated that nonstructural solutions are not feasible to reduce the hazard.
3. Participate in watershed-wide programs to reduce flood hazards and improve the shoreline ecology.
4. Discourage new development in shoreline areas that are reasonably likely to be harmed by flood conditions, or which would create or intensify flood hazard impacts on other properties.
5. Where feasible, preference should be given to nonstructural flood hazard reduction measures over structural measures.
6. New structural flood protection measures should only be allowed when necessary to protect existing development or to facilitate restoration projects.

7. Ensure that flood hazard reduction measures do not result in a net loss of ecological functions.

REGULATIONS

1. Development and redevelopment shall be located and designed to prevent the need for structural flood hazard reduction measures.
2. Nonstructural flood reduction measures shall be given preference over structural measures.
3. Flood control works shall be permitted when it is demonstrated by engineering and scientific evaluations that:
 - a. They are necessary to protect health/safety and or existing development;
 - b. Non-structural flood hazard reduction measures are infeasible; and
 - c. The flood control work will not result in a net loss of ecological function in the shoreline area.
4. New structural flood control works shall be placed landward of associated wetlands, and designated habitat conservation areas, except for works that improve ecological functions, such as wetland restoration.
5. Development within the shoreline environment shall meet the standards and provisions for protection of frequently flooded areas as provided to areas of special flood hazard in the current edition of the International Residential Code and International Building Code, and MTMC Title 15 and Title 16.
6. All development in floodplains and flood protection measures shall be consistent with the applicable requirements of the National Flood Insurance Program, and applicable building codes regarding flood-proof construction.
7. Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.
8. Streambank vegetation shall be preserved to the maximum extent feasible consistent with safe construction requirements.
9. Cut-and-fill slopes and backfill areas shall be revegetated with natural grasses, shrubs and/or trees in keeping with existing river bank vegetation.
10. Require that new structural public flood hazard reduction measures, such as weirs, dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict

with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

11. The following uses or activities may be appropriate and/or necessary within the channel migration zone or floodway, subject to the regulations of this SMP:
 - a. Actions that protect or restore the ecosystem-wide processes or ecological functions.
 - b. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
 - c. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
 - d. Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 - e. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
 - f. Existing structures that prevent active channel movement and flooding.
 - g. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the stream.

4.1.4 PUBLIC ACCESS AND VIEWS

INTRODUCTION

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

POLICIES

1. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
2. Physical access for swimming and non-motorized boating, passive recreation (such as interpretive trails) and habitat enhancement should be important objectives for the management of shoreline public access sites.

3. Public access provisions should be required for all shoreline development and uses, except for a single family residence or residential projects containing less than four (4) dwelling units.
4. Regulate the design, construction, and operation of permitted uses in the shoreline jurisdiction to minimize, insofar as practical, interference with the public's use of the water.
5. Assure that public access improvements do not result in a net loss of shoreline ecological functions.
6. Public access facilities should be constructed of environmentally friendly materials, use low impact development techniques, and support healthy natural processes, when feasible.

REGULATIONS

1. Except where exempted below, the dedication and improvement of public access shall be required as a condition of Shoreline Substantial Development Permits or Conditional Use Permits for water-enjoyment, water-related, and non-water-dependent uses, where any of the following conditions are present:
 - a. The use or modification will create increased demand for public access to the shoreline.
 - b. The use or modification will interfere with an existing public access way.
 - c. A use which is not a priority shoreline use under the Shoreline Management Act will locate on a shoreline of the state.
 - d. A use or modification located within shoreline jurisdiction will interfere with a public use of lands or waters subject to the public trust doctrine.
 - e. New multifamily residential development.
 - f. A subdivision of land into more than four parcels.
 - g. New Boating facilities.
2. Shoreline development by public entities shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
3. Public access shall not be required if it is demonstrated to be infeasible where:
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means.
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.

- c. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - d. Unacceptable environmental harm will result from the public access which cannot be mitigated.
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use/modification and adjacent uses would occur and cannot be mitigated.
 - f. Statutory or constitutional requirements would prohibit the mandatory dedication of access without just compensation or compliance with statutory criteria.
4. In order to meet any of the conditions in subsection 3 of this section, the applicant must first demonstrate and the city determine in its findings that all reasonable alternatives have been exhausted, including but not limited to:
- a. Regulating access by such means as maintaining a gate and/or limiting hours of use.
 - b. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazings, hedges, landscaping, etc.).
 - c. Developing provisions for off-site access such as at a street end, vista, or trail system.
5. Exceptions. The following uses, developments, modifications and activities are exempt from providing public access under this section:
- a. The construction, repair, remodeling and use of one detached single-family dwelling unit, as well as the construction, remodeling, repair, and use of bulkheads, docks and other uses, modification and activities incidental to the use of the subject property as a detached single-family residence.
 - b. All shoreline uses, modifications and activities in conservancy environments, or environmentally sensitive areas where the city determines that access would create distinct and unavoidable hazards to human safety or be contrary to city policies regarding the protection of unique and fragile environments.
6. Public Use Facilities.
- a. In addition to the public access areas required by subsection 1 of this section, the applicant may propose and/or the City may require that benches, picnic tables, a public access pier or boardwalk, or other public use facilities be constructed on the subject property.
 - b. If public use facilities are required or proposed, the city will determine the size, location and other regulations (design considerations) on a case-by-case basis.

7. Timing. The public access required by this section must be completed and available at the time of occupancy or completion of work; provided, however, that the city may on a case-by-case basis defer the physical availability of public access in the following cases:
 - a. If the City determines that the size, location, or topography of the subject property makes it infeasible to provide public access without first obtaining public access on an adjacent property. If such a determination is made, public access shall be provided on the subject property at such time as public access on an adjacent property can be obtained.
 - b. If pre-existing legal or nonconforming improvements on the subject property physically preclude the provisions of public waterfront access within a reasonable period of time.
8. Easements recorded. In each case where public access is required, whether it is physically available at the end of development or deferred until a later date, all owners of the subject property must record a public easement, in a form approved by the city attorney, establishing the right of the public to access, use and traverse that portion of the subject property.
9. Signs. The city shall require the posting of signs, obtained from the City at the City's cost, designating public access. The planning manager or his/her designee is authorized to establish reasonable rules and regulations governing the public's use of public access and use areas under this chapter. Where appropriate, these rules and regulations shall be included within the document recorded under subsection 8 of this section.
10. Shoreline uses, modifications and activities shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's existing physical and visual access to the water and shorelines.
11. Public access sites shall include provisions for disabled and physically impaired persons, where feasible.
12. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, at a minimum. Said recording with the county auditor's office shall occur at the time of permit approval (RCW 58.17.110).
13. The minimum width of public access easements shall be 25 feet, unless the Administrator determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary, as determined by the Administrator, to relieve the hardship, provided the larger easement is not needed for emergency access.
14. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

4.1.5 SHORELINE VEGETATION CONSERVATION

INTRODUCTION

Vegetation conservation includes activities to protect and restore vegetation along or near freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practices activities over which the City of Mountlake Terrace has authority. Vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit. Vegetation conservation standards do not apply retroactively to existing uses and structures.

Where new developments and/or uses are proposed, native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, where feasible.

Important functions of shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.
- Providing organic inputs critical for aquatic life.
- Providing food in the form of various insects and other benthic macroinvertebrates.
- Stabilizing banks and minimizing erosion.
- Reducing fine sediment input into the aquatic environment through stormwater best management practices.
- Filtering and vegetative uptake of nutrients and pollutants from ground water and surface runoff.
- Providing a source of large woody debris into the aquatic system.
- Regulation of microclimate in the stream-riparian corridors.
- Providing habitat for wildlife, including connectivity for travel and migration corridors.

POLICIES

1. Native plant communities within shoreline jurisdiction including, but not limited to, wetlands, lakes, and streams should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.
2. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or with other species as approved by the City.

3. Conserve existing native vegetation to maintain and enhance water and sediment storage, removal of excess nutrients and toxic compounds, recruitment of large woody debris, bank stability, shade, and recruitment of organic matter.
4. Emphasize retention of native shoreline vegetation when reviewing plans for future development and encourage replanting and enhancement of shoreline vegetation when absent to reestablish and upgrade impaired ecological shoreline processes and functions.
5. Use soil bioengineering techniques when restoring degraded shorelines, wherever feasible, to minimize the processes of erosion, sedimentation, and flooding.
6. The City should provide information to the public about environmentally appropriate vegetation management, landscaping for shoreline properties and alternatives to the use of pesticides and herbicides which impact water quality and aquatic habitat.
7. Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:
 - a. Avoid use of herbicides, fertilizers, insecticides, and fungicides along drainage channels, and shores of Lake Ballinger, as well as in the water. If used, only organic fertilizer, weed and pest control is permitted within the shoreline jurisdiction.
 - b. Limit the amount of lawn and garden watering so that there is no surface runoff.
 - c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.
8. Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where active removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should be conducted in a manner that minimizes adverse impacts to native plant communities, and should include appropriate handling or disposal of weed materials and attached sediments.
9. Monitor and control aquatic invasive species in Lake Ballinger.

REGULATIONS

1. Alteration of native shoreline vegetation shall only be allowed as set forth below:
 - a. Landscaping or maintenance associated with an existing legal use or new permitted shoreline use or development. The use of native plant species shall be encouraged.
 - b. Removal of noxious weeds as listed by the state in WAC 16-750, provided such activity shall be conducted in a manner consistent with best management practices and native vegetation is promptly reestablish in the disturbed area.

- c. Modification of vegetation in association with a legal, nonconforming use provided that said modification is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife conservation areas.
 - d. Restoration activities conducted in accordance with an approved plan designed to improve ecological functions and values.
 - e. Selective pruning of trees for safety and adequate view protection. Protection of views should not take precedence over the objectives of this Master Program.
2. The removal or disturbance of existing vegetation and the alteration of topography shall be limited to the minimum necessary to accommodate approved shoreline development.
 3. Exposed soils shall be immediately developed or revegetated to prevent erosion.
 4. Revegetation must be planted such that complete coverage of exposed soils is attained within one growing season.
 5. In all cases where clearing is followed by revegetation, native plants shall be preferred.
 6. In all shoreline areas, the removal or disturbance of existing vegetation, land clearing, grading, filling, and alteration of natural drainage features and landforms shall be limited to the minimum necessary for approved shoreline development.

4.1.6 WATER QUALITY, STORMWATER, AND NON-POINT POLLUTION

INTRODUCTION

Development of the shoreline and surrounding areas affects water quality in several ways. The creation of impervious surfaces increases stormwater runoff volumes, causing higher peak stormwater discharges at higher velocities, which cause scouring and erosion of stream banks. Erosion increases suspended solids concentrations and turbidity in receiving waters. Runoff from impervious surfaces, including roads and parking areas, as well as from grass or landscaped areas, including golf courses, lawns, and gardens, carries oil, grease, yard and garden chemicals, household wastes, sediment, bacteria, heavy metals, excess nutrients, and other pollutants into these waters. Increased nitrogen and phosphorus enrichment results in algal growth that depresses levels of dissolved oxygen in receiving waters. The degradation of water quality adversely impacts wildlife habitat and public health.

Maintaining high water quality standards and restoring degraded systems has been mandated in RCW 90.58. The City of Mountlake Terrace regulates stormwater in Chapter 16.20 of the Mountlake Terrace Municipal Code.

POLICIES

1. Impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities, should be prevented.

2. All shoreline uses and activities should be located, designed, constructed and maintained to mitigate the adverse impacts to water quality.
3. Stormwater impacts should be addressed through the application of all applicable City and State stormwater, including construction stormwater, erosion, and sedimentation, regulations.
4. New impervious surfaces should be limited within the shoreline management area by encouraging the use of pervious pavements and other low impact development technologies.
5. The City should encourage homeowners and property managers to use non-chemical weed and pest control solutions and natural and organic fertilizers if used at all.
6. Ensure that actions that affect stormwater runoff or water quality are consistent with other applicable regulations that address water quality and stormwater quantity, including public health, stormwater, water discharge standards, and plans. This may include recommendations outlined in the 2009 Lake Ballinger/McAleer Creek Watershed Strategic Action Plan.

REGULATIONS

1. An erosion and sedimentation control plan shall be submitted with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. The plan shall conform to applicable local and state regulations governing stormwater and erosion control and shall utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.
2. The bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or permanent basis, shall be prohibited in the shoreline. This does not apply to the incidental storage of such materials for residential use.
3. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and fugitive dust controls.
4. All shoreline development shall comply with Chapter 16.20 MTMC, and implement applicable Low Impact Development techniques to the maximum extent feasible, pursuant to the standards contained in the Department of Ecology Stormwater Manual, and the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound or successor.
5. Construction materials that come in continuous, direct contact with surface waters shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the City of Mountlake Terrace building official determines that there is no feasible alternative to toxic treatments that will provide the structural characteristics necessary for the project.

4.1.7 SHORELINE BULK AND DIMENSIONAL STANDARDS

Bulk and dimensional standards for shoreline development shall be determined by standards of the underlying zoning, as specified in the MTMC, except for those shoreline-specific bulk and dimensional standards summarized in Table 4-4 below. Additional buffer or setback requirements may apply to development within or adjacent to critical areas.

Table 4-4 Dimensional Requirements.

	Aquatic	Natural	Shoreline Residential²	Urban Conservancy³
Maximum Height¹	N/A	N/A	3 stories, not to exceed 35 feet	35'
Shoreline Setback	N/A	N/A	50	100
Maximum Lot Coverage⁴	N/A	N/A	25% of lot area	10% of lot area
Minimum Lot Frontage and Width	N/A	N/A	55 feet	400 feet
Minimum Lot Size and Lot Density	N/A	N/A	8400 sq. ft.	20 acres

Notes

1. Development shall also be subject to the height limits established by the underlying zoning, but in no case shall the height exceed fifty-five feet (55) above average grade level. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances per Chapter 19.120 MTMC. A height of more than thirty-five feet (35) can only be achieved if the applicant prepares a view corridor study indicating that the proposed structure would not substantially diminish views of the lake from surrounding properties including the exceptions to height.
2. The underlying zoning is Single Household Residential (RS 8400).
3. The underlying zoning is Recreation and Park District (REC).
4. Lot coverage includes structures and other impervious surface areas.