CHAPTER 5 GENERAL GOALS, POLICIES AND REGULATIONS

This chapter describes the overall goals, policies and regulations of the Master Program that apply to all uses and developments in the shoreline jurisdiction, regardless of the designated shoreline environment in which they occur. The purpose, intent, and governing principles of the state shoreline guidelines (WAC 173-26), as described in Chapter 1, provide the foundation for development of the shoreline goal statements. The policies and regulations are the means by which these goals are implemented. Policies and regulations that address specific shoreline uses and activities (e.g., agriculture, residential development, etc.) and specific shoreline modifications (e.g., dredging, landfill and excavation, etc.) are in Chapter 7.

A. SHORELINE USE

1. Goal

a. To ensure healthy, orderly growth by allowing development and/or redevelopment activities which will be an asset to the community and local economy; which will result in no net loss of shoreline ecological functions; and will maintain or improve the health, safety, and welfare of the public.

2. Policies

a. Preferred uses are those that are water-oriented, single family residential (where allowed by underlying zoning and Ccomprehensive Pplan land use designation), enhance public access to the shoreline, or include elements of shoreline restoration.

b. Development in shorelines should reflect in both site configuration and structural design acknowledgement of the water's proximity and its value as an ecological and scenic resource.

c. Encourage uses that allow for or incorporate restoration of shoreline areas that have been degraded as a result of past activities or events.

3. Regulations

a. Shoreline use regulations for specific uses and associated shoreline modifications (e.g., agriculture, commercial, residential, recreational development, dredging, flood control, etc.) are in Chapter 7, Shoreline Use and Modification Policies and Regulations.

B. HISTORIC, CULTURAL, ~~SCIENTIFIC~~SCIENTIFIC, AND EDUCATIONAL RESOURCES

1. Goal

a. To prevent the destruction, damage, or inappropriate alteration to any cultural and historic resources including a site, building, district, structure, or object having

historical, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Department of Archaeology and Historic Preservation.

2. Policies

a. Work with tribal, federal, state, and local governments as appropriate to maintain an inventory of all known historic, cultural, and archaeological resources. ~~—~~As appropriate, these resources should be protected, preserved, and/or restored for study and/or public education.~~–~~ The location of sensitive historic, cultural, and/or archaeological sites should not be disclosed to the general public, consistent with applicable state and federal laws.

b. Development on sites having historic, cultural, or archaeological resources should be planned and carried out so as to avoid or minimize impacts to the resource.

3. Regulations

a. Cultural, archaeological, and historic resources shall be permanently preserved in situ or recovered for scientific study, education, and public observation.

b. Upon receipt of application for a shoreline permit or request for a statement of exemption for development on properties known to contain an historic, cultural, or archaeological resource(s), the City shall require a site inspection, evaluation, and written report by a professional archaeologist or historic preservation professional, as applicable, to determine the presence of cultural, ~~historic~~historic, or archaeological resource(s). The professional should meet qualification standards for cultural resource management professionals promulgated by the National Park Service, published in 36 CFR Part 61.~~–~~ If it is determined that a site has a significant resource(s), shoreline permits or a statement of exemption shall not be issued until protection or mitigation is developed to the satisfaction of both DAHP and affected tribes. The City may require that development be postponed to allow for:

i. Coordination with potentially affected tribes and/or the Department of Archaeology and Historic Preservation; and/or

ii. Investigation of potential to provide public access and educational opportunities; and/or

iii. Retrieval and preservation of significant artifacts.

c. All shoreline permits and statements of exemption shall contain provisions which require developers to immediately stop work and notify the City, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, and the Muckleshoot Indian Tribe if any artifacts of possible historic, cultural, or archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist or historic preservation professional, as applicable, in coordination with the state and/or affected tribes. Mitigation for an application

affecting a historic site may involve additional or alternative measures that are site and project specific, as required by DAHP and/or affected Tribal Governments.

~~iv.~~

~~A.~~C. ECOLOGICAL PROTECTION AND CRITICAL AREAS

1. Goals

a. To protect shoreline ecological functions through effective stewardship and management of shoreline uses and development.

b. To protect critical areas in the shoreline (e.g., wetlands and fish and wildlife habitats) for their ecological functions and values, as well as their aesthetic, scenic, and educational qualities.

2. Policies

a. All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas designated in Puyallup Municipal Code (PMC) Chapter 21.06 that are located in the shoreline. Shoreline ecological functions that should be protected include hydrology, water quality, riparian habitat, and in-stream habitat functions. Shoreline processes that should be protected include surface and groundwater flow; sediment delivery; water quality; and organics delivery.

b. Preserve, protect, and/or restore wetlands within and associated with the City's shorelines to achieve no net loss of wetland area and wetland functions.

c. In assessing the potential for net loss of ecological functions and processes, project-specific and cumulative impacts should be considered.

d. Allow activities in critical areas that protect and, where possible, restore the ecological functions and ecosystem-wide processes of the City's shorelines.

e. Establish a public outreach and education program for property owners adjacent to the shoreline that promotes shoreline-friendly practices.

3. Regulations

a. All shoreline development and uses shall be located, designed, ~~constructed~~constructed, and maintained in a manner that results in no net loss of shoreline ecological processes and functions to the greatest extent feasible. Unavoidable impacts to shoreline ecological functions and processes shall be mitigated according to the provisions of this section to ensure no net loss of ecological functions.

b. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority.

i. Avoiding the impact altogether by not taking a certain action or parts of an action;

ii. Minimizing 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. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

iv. Reducing or eliminating the impact over time by preservation and maintenance operations;

v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

vi. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

c. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

d. Required mitigation shall not be in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions.

e. Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions and shall cause no net loss of ecological functions overall.

f. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, ~~terms~~terms, or conditions as necessary to ensure no net loss of ecological functions.

g. Buffer widths for wetlands shall follow the standards of PMC 21.06.930.

h. Buffer widths for stream areas shall be established as follows:

i. Stream buffer widths shall be regulated by PMC 21.06.1050. The buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. Per PMC 21.06.210 (111), riparian buffer areas include those buffer areas severely altered, ~~degraded~~degraded, or damaged due to human development activities.

ii. After mitigation sequencing has been applied and avoidance of disturbance is minimized to the maximum extent practicable, a stream buffer may be reduced

to accommodate a water-dependent use. Mitigation proposals shall follow the standards of PMC 21.06.1080, 21.06.610 and 21.06.620.

iii. Except as allowed by (d) and (e) below, water-enjoyment, water-related and non-~~water oriented~~water-oriented uses shall not reduce riparian buffer area vegetation, encroach further into a riparian buffer area or impact ecological functions/critical areas unless no other feasible alternative exists to locate outside these areas. Impacts may only be allowed through a shoreline variance permit process. See SMP Chapter 7, Section J – Residential Development, for options for single family residential use expansions in riparian buffer areas. The developed envelope shall be located outside of the prescribed buffer area to the maximum extent feasible. Mitigation shall be provided in accordance with PMC 21.06.1080, 21.06.610 and 21.06.620.

iv. Areas within the prescribed buffer area for the adjacent stream which do not contain functioning riparian habitat and that do not include any other critical areas (e.g. previously developed sites within buffer area, upland area separated by road/levee, ~~etc~~etc.) may be developed by water-enjoyment and water-related uses in a manner that is consistent with the control of pollution and prevention of damage to the shoreline environment.

v. Improvements for shoreline public access – as a stand alone use – should be located only in the outer 50% of the riparian buffer area. Exceptions may be made for shoreline recreational uses – such as beaches or viewing platforms – to encroach further into the buffer area. Replacement of an existing access system or locating new public access trails within the inner 50% shall only be allowed through a shoreline conditional use permit. Impacts to existing riparian functions and values shall be mitigated in accordance with PMC 21.06.1080, 21.06.610 and 21.06.620.

vi. ~~Non-water~~Non-water-oriented uses may only locate within the city's shoreline planning area if mitigation plantings are provided in the adjacent or nearest riparian buffer area (if no riparian area is available on site).

i. Any application to develop within the regulatory floodplain of the City's shoreline jurisdiction shall be accompanied by a biological assessment of the impact of the project on federal, state or locally protected species and habitat, water quality and aquatic/riparian habitat. The assessment shall be:

i. A biological assessment or evaluation developed by a qualified wildlife biologist with experience and background in ESA listed fish and terrestrial animals

ii. Prepared in accordance with all federal rules included in the Endangered Species Act, the city's critical areas ordinance and with the Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA R~~r~~egion X, 2010. Such a report shall specifically address the potential impacts on:

(A) Species that are federal, state or locally listed as threatened or endangered;

(B) The primary constituent elements for critical habitat, when designated;

(C) Essential fish habitat designated by the National Marine Fisheries Service;

(D) Fish and wildlife habitat conservation areas; and~~,~~

(E) Other protected areas and elements necessary for species conservation

iii. Impacts to critical area habitat shall be in accordance with PMC 21.06.1080, 21.06.610 and 21.06.620.

j. Subject to the exceptions listed below in this section of the SMP, the Critical Areas provisions of the Puyallup Municipal Code (PMC Chapter 21.06) are herein incorporated and shall apply to any use, alteration, or development where designated critical areas are physically located within the shoreline jurisdiction, whether or not a shoreline permit or written statement of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with PMC 21.06 and this Program, except that water-oriented uses and development that enhances public access to shorelines shall be allowed in accordance with applicable Program policies and regulations. Designated critical areas that may be located in the shoreline include wetlands, fish and wildlife habitat areas, critical aquifer recharge areas, geologically hazardous ~~areas~~areas, and frequently flooded areas. Any conflicts between the referenced ordinances and the SMP are resolved in favor of the regulation that is most protective of shoreline ecological functions. The following are exceptions to the city's critical areas ordinance when located in the shoreline jurisdiction(s) of the City of Puyallup:

i. The provisions of Puyallup Critical Areas regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical areas that are outside shoreline jurisdiction, see Puyallup Critical Areas regulations (PMC 21.06).

ii. When definitions per PMC 21.06.210 conflict with SMP definitions per Chapter 2, SMP definitions shall apply.

iii. Activities that are exempt from the provisions of Puyallup's Critical Areas per PMC 21.06.410 shall be governed by this Program.

iv. In the event an applicant requests to adjust standards and provisions for designated critical areas per the Reasonable Use Exception provisions of the PMC 21.06.430, such application shall be processed as a Shoreline Variance Permit, per the provisions of this Program and WAC 173-27, Shoreline Management Permit and Enforcement Procedures.

v. PMC 21.06.960 sub-section 2 and 3 shall not apply, in that a net loss of wetland function or area in the shoreline jurisdiction is prohibited.

vi. PMC 21.06.440, pertaining to exceptions for minor new development in buffers, shall not apply as the development will either be considered nonconforming and

should be addressed as such, or in other circumstances shall require a variance. In all cases, no net loss of shoreline ecological functions should the goal.

vii. PMC 21.06.910(4), pertaining to exemptions for wetlands associated with a shoreline of the state, shall not apply. A wetland's association with a riparian corridor is not equivalent to association with a shoreline of the state. Wetlands associated with a shoreline of the state are those that are included within the ~~100-year~~100-year floodplain of the shoreline waterbody.

viii. PMC 21.06.1050 (3) pertaining to averaging of stream buffers shall not apply as a net loss of stream buffer area in the shoreline jurisdiction is prohibited.

ix. PMC 21.06 Article VII Enforcement shall be applied in addition to the provisions of the WAC 173-27 Part II, Shoreline Management Act Enforcement.

k. Buildings, fencing, walls, hedges and similar features shall be designed, located, and constructed in a manner that does not preclude or significantly interfere with wildlife movement to/from habitat areas consistent with the applicable provisions of PMC 21.06, provided that the Administrator may exempt security fencing associated with residential, industrial and/or commercial developments from this requirement on a case-by-case basis.

~~k.~~

D. Flood Hazard Reduction

1. Goal

a. To reduce flood damage or hazards to shoreline uses and developments as well as limit shoreline modifications that may increase flood hazards.

2. Policies

a. Ensure that new development in areas prone to periodic flooding complies with the Flood Damage Protection standards, Puyallup Municipal Code Title 21.07, in an effort to minimize health hazards and property damage due to flooding.

b. Assure that flood hazard protection measures result in no net loss of ecological functions.

3. Regulations

a. All shoreline development shall comply with Puyallup Municipal Code, Title 21.07 Flood Damage Protection.

~~b.~~ All shoreline development in floodplains connected to Clarks Creek or the Puyallup River shall protect hydrologic connections between water bodies, water courses, and associated wetlands to the extent feasible.

b.

c. Removal of gravel for flood control shall be consistent with SMP Chapter 7.H.~~(h)~~ – Filling, Grading and Excavation and 7~~(e)~~.E. – Dredging and Dredge Material Disposal.

~~i.~~

E. VEGETATION CONSERVATION

1. Goals

a. To protect and restore the ecological functions and ecosystem-wide processes provided by vegetation along shorelines.

2. Policies

a. Where new developments and/or uses are proposed, native shoreline vegetation should be conserved consistent with the city's Vegetation Management Standards manual, PMC 21.06.930 and 21.06.1050 to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. ~~Regulation of microclimate in the stream-riparian and intertidal corridors; and~~

b. Limit removal of native vegetation on development sites within the city's shoreline planning areas and establish landscape regulations that reflect low impact storm water management techniques.

c. Recognize that aquatic weed management requires preventative measures, such as added riparian canopy cover over stream to prevent growth through solar access, in addition to mechanical cutting. Where active removal or destruction is necessary, it should be the minimum to allow water dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

d. Prohibit clearing, grading, or vegetation removal within the shoreline jurisdiction when not related to a use permitted under the provisions of this Master Program.

e. Limit alteration of the natural landscape within the shoreline jurisdiction to the minimum necessary to accommodate the shoreline development or to remove invasive vegetation.

f. Restrict clearing and grading within shoreline jurisdiction in order to maintain shoreline functions.

g. Permit clearing activities associated with levee maintenance as necessary to provide protection from flood hazards.

3. Regulations

a. Clearing, grading, or vegetation removal within the required shoreline environment is prohibited unless associated with a use permitted under the provisions of this master program or considered exempt under WAC 173-27-040.

b. During construction, shoreline vegetation shall be protected by placement of a temporary barricade/fencing at the edge of existing vegetation to be retained and implementation of appropriate erosion and sedimentation controls. All uses and

developments permitted under this master program shall observe all applicable critical area buffers/existing shoreline vegetation to the maximum extent possible and shall establish 65% native vegetation landscaping coverage between permitted uses/structures and the OHWM to the extent feasible.

c. Invasive and/or noxious plant species within the shoreline jurisdiction may be removed using minimally invasive processes, such as hand clearing. Cleared areas should be replanted with native vegetation to prevent erosion and suppress re-growth of invasive plants.

d. Selective pruning of tree limbs for view protection is allowed in accordance with ANSI A300 standards and city approval. Removal of hazard trees is allowed in accordance with PMC 21.06.410 (1)(e) and/or all standards contained in the city's Vegetation Management Standards (VMS) manual.

e. Removal of noxious weeds and/or invasive species shall be incorporated in vegetation management plans, as necessary, to facilitate establishment of a stable community of native plants.

f. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where excessive weed growth creates a flood hazard by restricting flow. All aquatic weed control activities shall conform to the requirements of applicable state rules and regulations and should generally be accompanied by native riparian plantings to help mitigate the problem long term.

g. In accordance with RCW 77.55, ~~and WAC 220-110-150,~~ natural instream features such as snags, uprooted/felled trees, or stumps shall be left in place unless it can be demonstrated that they threaten personal safety, critical infrastructure, or create flood hazard for downstream properties. In such cases where debris poses a threat, it should be dislodged and repositioned to assure safety to adjacent or downstream structures/~~life, but~~life but shall not be removed from the river or stream unless authorized by Washington Department of Fish and Wildlife (WDFW). Restoration projects should seek to include placement of large woody debris along banks and in-stream to provide habitat complexity and structure.

~~g.~~

F. Water Quality and Quantity

1. Goal

a. To treat and infiltrate all storm water runoff in shoreline planning areas within the city using best management practices. To maintain or enhance the quantity and quality of surface and ground water over the long term by effectively managing the location, construction, operation, and maintenance of all shoreline uses and developments.

2. Policies

a. The City should manage stormwater through the City's Comprehensive Plan, Storm Drainage and Basin Modeling plan and storm water management regulations.

3. Regulations

a. All shoreline development shall comply with Puyallup Municipal Code, regulations related to water quality, including but not limited to relevant sections of Title 21.