



SHORELINE MANAGEMENT MASTER PROGRAM OVERVIEW

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
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CODE REFERENCES: Chapter 22E.050 MMC, 90.58 RCW, 173 WAC

The original Shoreline Management Master Program of the City of Marysville was adopted by the City Council on December 9, 1974 to ensure compliance with the State Shoreline Management Act of 1971. On October 23, 2006, the City Council adopted the 2006 Shoreline Master Plan, by ordinance No. 2668 as an element of, and amendment to, the Marysville Growth Management Comprehensive Plan. The Shoreline Management Master Program provides for the management of the shorelines of statewide significance by planning for and fostering all reasonable and appropriate uses.

The location and boundaries of the *Aquatic, High-Intensity, Urban Conservancy, and Shoreline Residential Environments* are identified in Figure 1 *Ebey Slough and Surrounding Area* and Figure 2 *Quilceda Creek Area* of the Marysville Shoreline Master Program.

FEES

Shoreline Permit (administrative review only)	\$1,000.00
Shoreline Conditional Use Permit or Shoreline Variance Permit with a public hearing	\$5,000.00

WHEN IS A SHORELINE PERMIT REQUIRED?

A *Shoreline Permit, Shoreline Conditional Use Permit or Shoreline Variance Permit* is required for all developments and/or substantial developments within an *Aquatic, High-Intensity, Urban Conservancy or Shoreline Residential* on the shorelines of the City of Marysville, unless otherwise exempt as outlined in the Shoreline Management Master Program and RCW 90.58.030(3)(e).

A “Development” means a use consisting of the construction or exterior alteration of structures; dredging, drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level.

A “Substantial Development” is any development of which the total cost or fair market value exceeds \$5,718.00, or any development that materially interferes with the normal public use of the water or shorelines of the state; except as specifically exempted pursuant to RCW 90.58.030(3)(e).

“Exemption.” Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments, and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with polices and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3)(e); WAC 173-27-040)

PERMITTED USES

Aquatic Environment

The following uses are permitted in an *Aquatic Environment* upon obtaining a shoreline development permit:

- . Boating facilities, including marinas, if it is a permitted use in the adjacent upland.

- . Water-dependent commercial and industrial uses, if it is a permitted use in the adjacent upland.
- . Water-dependent recreation.
- . Water-dependent transportation.
- . Beach restoration and enhancement, if for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.
- . Hazardous waste cleanup.
- . Piers, docks, buoys, floats, if the use is permitted in the adjacent upland.

The following uses are permitted in an *Aquatic Environment* upon obtaining a *Conditional Shoreline Development Permit*.

- . Bioengineering, revetments, breakwaters/jetties/rock weirs/groins, and fill may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.
- . Dredging may be allowed only in support of a water-dependent use when the City finds the need is demonstrated.

Any use not listed above, and not exempt from obtaining a shoreline development permit, is prohibited in the aquatic environment.

High-Intensity Environment

The following uses are permitted in a *High-Intensity Environment* upon obtaining a shoreline development permit:

- . Agriculture.
- . Boating facilities, including marinas.
- . Water-dependent commercial and industrial uses.
- . Water-related, water-enjoyment uses.
- . Flood hazard management.
- . Parking, accessory.
- . Water-dependent recreational uses.
- . Water-enjoyment.
- . Multi-family residential.
- . Land division.
- . Signs, on premise and public highway.
- . Water-dependent transportation.
- . Non-water oriented, road, and railroad transportation and utilities may be allowed provided there is no other feasible route or location.
- . Beach restoration and enhancement.
- . Bioengineering, revetments, bulkheads, breakwaters/jetties/rock weirs/groins, and dikes and levees.
- . Hazardous waste cleanup.
- . Fill.
- . Piers, docks, buoys, and floats.

The following uses are permitted in a *High-Intensity Environment* upon obtaining a *Conditional Shoreline Development Permit*.

- . Non-water oriented commercial and industrial uses, and non-water oriented recreation. Public access, as approved by the City, is a condition of non-water-dependent development.

Any use not listed above and not exempt from obtaining a shoreline development permit is prohibited in the conservancy environment.

Urban Conservancy Environment

The following uses are permitted in an urban conservancy environment upon obtaining a shoreline development permit:

- . Agriculture.
- . Flood hazard management.
- . Parking, accessory.
- . Water-enjoyment and water-dependent recreation.
- . Public highway.
- . Water-dependent transportation.
- . Beach restoration and enhancement and bioengineering, if for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.
- . Hazardous waste cleanup.

The following uses are permitted in an urban conservancy environment upon obtaining a *Conditional Shoreline Development Permit*.

- . Non-water oriented transportation, roads, and railroads and utilities may be allowed provided that there is no other feasible route or location.
- . Revetments, bulkheads, breakwaters/jetties/rock weirs/groins, dikes and levees, and fill may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.

Any use not listed above and not exempt from obtaining a shoreline development permit is prohibited in the urban environment.

Shoreline Residential Environment

The following uses are permitted in a *Shoreline Residential Environment* upon obtaining a shoreline development permit:

- . Flood hazard management.
- . Parking, accessory.
- . Water-dependent recreation, water-enjoyment, and non-water oriented recreation.
- . Single family residences.
- . Multi-family residences.
- . Land division.
- . Roads, railroads, and utilities may be allowed provided that there is no other feasible route or location.
- . Beach restoration and enhancement.
- . Bioengineering, revetments, bulkheads, breakwaters/jetties/rock weirs/groins, dikes, levees, and hazardous waste cleanup.
- . Fill, provided that if it is in the floodway a conditional use permit is obtained.

The following uses are permitted in a *Shoreline Residential Environment* upon obtaining a *Conditional Shoreline Development Permit*.

- . Water-dependent transportation.
- . Non-water oriented transportation may be allowed providing there is no other feasible route or location.

Any use not listed above and not exempt from obtaining a shoreline development permit is prohibited in the conservancy environment.

NOTICE OF APPLICATION

Upon receipt of a complete application for a permit, the city shall cause notice of application to be published at least once a week for **TWO CONSECUTIVE WEEKS** in the Marysville Globe. The second

notice shall be published not less than 30 days prior to action by the Community Development Department.

The notice of application shall be mailed to each property owner of record within 300 feet of the proposed development, no less than seven (7) days in advance of the department action.

DECISION

Shoreline Substantial Development Permit

If the Community Development Director determines the substantial development is consistent with the criteria outlined in the Shoreline Management Master Program, the Community Development Director and/or designee shall so state in written findings, and such shall be filed with the Department of Ecology.

If the Community Development Director determines the substantial development is *inconsistent* with the criteria outlined in the Shoreline Management Master Program, the application shall be denied. Decisions of the Community Development Director may be appealed to the Hearing Examiner.

Conditional Shoreline Permit

The Hearing Examiner shall have the authority to hear and make findings, conclusions and recommendations, and the City Council shall have the authority to grant, in appropriate cases and subject to appropriate conditions and safeguards, conditional shoreline development permits.

Conditional Shoreline Permit criteria are outlined in the Shoreline Master Plan, Chapter 8, Section A(2).

Shoreline Variance Permit

The Hearing Examiner shall have authority to act upon, and the City Council shall have authority to grant, variances from the substantive requirements of the Shoreline Management Master Program – Chapter 18.16 MMC.

If a variance application is not merged with a pending substantial development permit application, the applicant shall pay the City a fee of \$500.00.

Shoreline Variance criteria are outlined in the Shoreline Master Plan, Chapter 8, Section B(2).

STAFF PROCEDURES

The following is an outline of staff procedures in processing a Shoreline permit, Shoreline Conditional Use permit or Shoreline Variance:

1. Encourage applicants to submit for pre-application meetings with city staff to provide initial review of the proposed project.
2. Once an application is submitted, check the application package for completeness and accuracy (are any sensitive areas studies required?). The following information shall be included in a shoreline permit application:
 - . Master permit application form
 - . Joint Aquatic Resource Permit Application (JARPA)
 - . Legal Description
 - . Declaration of Ownership form
 - . Vicinity Map
 - . Title Report
 - . Environmental Checklist (signed and dated, plus applicable fee)
 - . Shoreline Site Plan including:
 - a) site boundary
 - b) property dimensions in vicinity of project.

- c) ordinary high-water mark.
 - d) typical cross section or section showing
 - . existing ground elevations
 - . proposed ground elevation
 - . height of existing structures
 - . height of proposed structures
 - e) where appropriate, proposed land contours using five-foot intervals on areas landward of ordinary high-water mark, if development involves grading, cutting, filling, or other alteration of land contours.
 - f) show dimensions and locations of existing structures which will be maintained
 - g) show dimensions and locations of proposed structures
 - h) identify source, composition and volume of fill material
 - i) identify composition and volume of any extracted materials, and identify proposed disposal area.
 - j) location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
 - k) if the development proposes septic tanks, does proposed development comply with local health and state regulations?
 - l) shoreline designation according to master program.
 - m) show which areas are shorelines and which are shorelines of state-wide significance.
- . Required Land Use fees
 - . **A site visit should be conducted prior to determining completeness**
3. If the application is determined to be complete send a letter of completeness to the applicant/contact.
 4. Notice of application shall be published at least once a week for **TWO CONSECUTIVE WEEKS** in the Marysville Globe. The second notice shall be published not less than 30 days prior to action by the Community Development Department.
The notice of application shall be mailed to each property owner of record within 300 feet of the proposed development, no less than seven (7) days in advance of the department action.
 5. Send out Request for Review (RFR) forms to applicable departments and agencies including, but not limited to: Department of Ecology, Department of Fish & Wildlife and the Tulalip Tribes.
 6. Once the RFR comments have been returned, schedule a technical review meeting with applicant to discuss any outstanding issues/revisions.
 7. Once all issues from the technical review meeting have been addressed satisfactorily, issue a SEPA threshold determination (if required). If the proposed development requires administrative approval (only), the administrative approval or disapproval shall be issued concurrently with the SEPA threshold determination.
 8. If a public hearing is required, before the Hearing Examiner, and no appeals have been filed on the SEPA threshold determination, issue a staff recommendation for the proposal and schedule the public hearing.
 9. Once the shoreline permit is approved or denied, and all appeal periods have been exhausted, the application shall be filed with DOE, subject to the filing requirements outlined in WAC 173-27-130. All shoreline permits shall be accompanied with the permit data sheet required by WAC 173-27-190. Attached is a checklist titled "*Documents Required in Shoreline Permit Package for DOE,*" and the "*Shoreline Management Act Permit Data Sheet and Transmittal Letter*" that can be utilized when filing a shoreline permit with DOE.
 10. No one who is issued a shoreline permit shall be authorized to commence construction until 30 days have elapsed from the date that the permit is filed with the Washington State Department of Ecology, or until all review proceeding are terminated if such proceedings were initiated within said 30-day period.