

# CITY OF LAKE STEVENS

## Shoreline Master Program User Guide



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State Department of Ecology



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# Shoreline Master Program Overview

Shorelines within Washington State are governed by the Washington State Shoreline Management Act (SMA) as passed by the Washington Legislature in 1971. The policies of the SMA focus on three (3) primary goals including: responsible shoreline use and development, environmental protection, and public access as described in the [Revised Code of Washington \(RCW\) 90.58](#). The SMA applies to all counties in Washington and approximately 250 municipalities with stream, river, lake, or marine shorelines.

Shoreline Master Programs are designed to provide a regulatory framework that aligns with the policies of the SMA. When developing a Shoreline Master Program (SMP), the SMA requires that, for shorelines of statewide significance, the jurisdiction shall give preference to uses in the following order of preference:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shoreline;
- (6) Increase recreational opportunities for the public in the shoreline;

The City of Lake Stevens adopted its first SMP in 2013 and completed a required periodic review in 2018-2019 with a minor update in 2023. The City of Lake Stevens SMP regulates uses and development both in and around Lake Stevens and other state shorelines including Stitch Lake, Catherine Creek, and Little Pilchuck Creek. The SMP also applies to their shorelands, which are defined as areas within 200 feet of the ordinary high-water mark (OHWM).

This guide includes tables, diagrams, and illustrations that further explain some of the most common topics of interest including shoreline buffers and setbacks, permitting processes, shoreline modifications, frequently asked questions, and mitigation requirements. This guide is intended to provide clarity on the regulations contained within the Lake Stevens SMP and Lake Stevens Municipal Code (LSMC), including Chapter 14.32, Non-Conforming Uses.

*This guide is a supplement to authoritative documents such as the municipal code and SMP. It is designed to assist applicants in understanding the state and local regulations that are applied within shoreline jurisdiction. It is not intended to supplant or amend the SMP or municipal code. Please see the applicable code for a comprehensive list of regulations.*



# Shoreline Permit Process

## When is a Shoreline Permit Required?

All proposed development, activities or uses occurring within shoreline jurisdiction must meet the applicable laws and regulations of the SMP. This includes actions that may not require a permit or other form of approval. Types of shoreline permits can include Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits. Activities that meet the criteria for exemptions from a Shoreline Substantial Development Permit are authorized under a Shoreline Exemption. Developments which are exempt from the requirement for a Substantial Development Permit are identified in [WAC 173-27-040](#) or as subsequently amended.<sup>i</sup>

If an action is identified as an exemption under [WAC 173-27-040](#), prior to initiating the activity, an application for a Shoreline Exemption must be submitted to the City to be reviewed and authorized by the Shoreline Administrator. Shoreline Exemptions require City review to determine whether the proposal is indeed exempt from shoreline permits and whether the proposal meets the policies and regulations of the SMP.

## Shoreline Permit Application Requirements

In addition to the application requirements of the specified submittal checklist, any person applying for a shoreline permit shall submit with their application the information contained within [Appendix A, Application Requirements](#). Applications for a Conditional Use Permit or Variance are required to submit additional information included in SMP Section 7 (D) and (E), respectively. The appropriate required application and checklists can be found [here](#).

## Shoreline Permit Review Process

The Shoreline Administrator will review if the project is classified as substantial development, determine if a permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply. The Shoreline Administrator will also determine if the project will require a [State Environmental Policy Act \(SEPA\) Checklist](#).

Type of Permit	Decision-Maker
Shoreline Exemption	Shoreline Administrator (City)
Shoreline Substantial Development Permit	Shoreline Administrator (City)
Shoreline Conditional Use Permit	City of Lake Stevens Hearings Examiner
Shoreline Variance	City of Lake Stevens Hearings Examiner

In instances where a Shoreline Conditional Use Permit or Shoreline Variance is required, the City of Lake Stevens Hearings Examiner will hold a public hearing to approve, approve with conditions, or deny the application. The Hearings Examiner decision is final unless an appeal is filed pursuant to the procedures described in SMP Chapter 7 Section C.4.

Requests for Shoreline Conditional Use Permits or Shoreline Variances also require final approval from the Washington State Department of Ecology.

## Review Time

The time periods for city review of each type of complete application should not exceed one hundred twenty (120) days unless written findings specify the additional time needed for processing. Project permit review time periods established elsewhere, such as in RCW 58.17.140 should be followed for those actions. (WAC 365-196-845).

## Additional Permits Required

Applying for shoreline development, use or activity does not exempt an applicant from complying with any other local, state, or federal statutes or regulations, which may be applicable to the development or use.

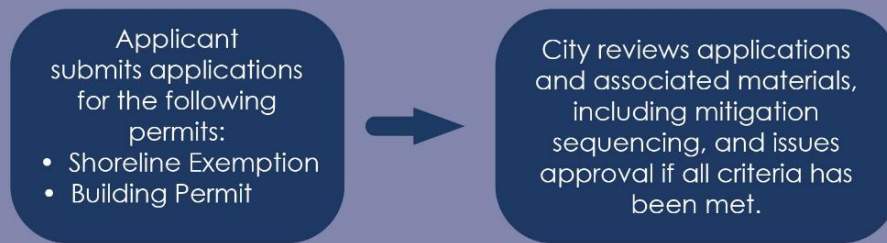
Examples of supplemental permits that may be required can include, but are not limited to:

<b>Washington State Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA):</b> <a href="#">Hydraulic Project Approval (HPA)   Washington Department of Fish &amp; Wildlife</a> WDFW HPA Guide: <a href="https://www.govonline.wa.gov/WA/WDFW/Public/Public/Doc/User_Help.pdf">https://www.govonline.wa.gov/WA/WDFW/Public/Public/Doc/User_Help.pdf</a>
<b>Joint Aquatic Resources Permit Application (JARPA):</b> <a href="#">One-Stop JARPA Resource Center (wa.gov)</a>
<b>Washington State Department of Ecology (ECY) Water Quality Permits:</b> <a href="#">Water Quality permits - Washington State Department of Ecology</a>
<b>Washington State Department of Natural Resources:</b> <a href="#">Leasing and Land Transactions   WA - DNR</a>
<b>United States Army Corps of Engineers (USACE):</b> <a href="#">Obtain a Permit (army.mil)</a>

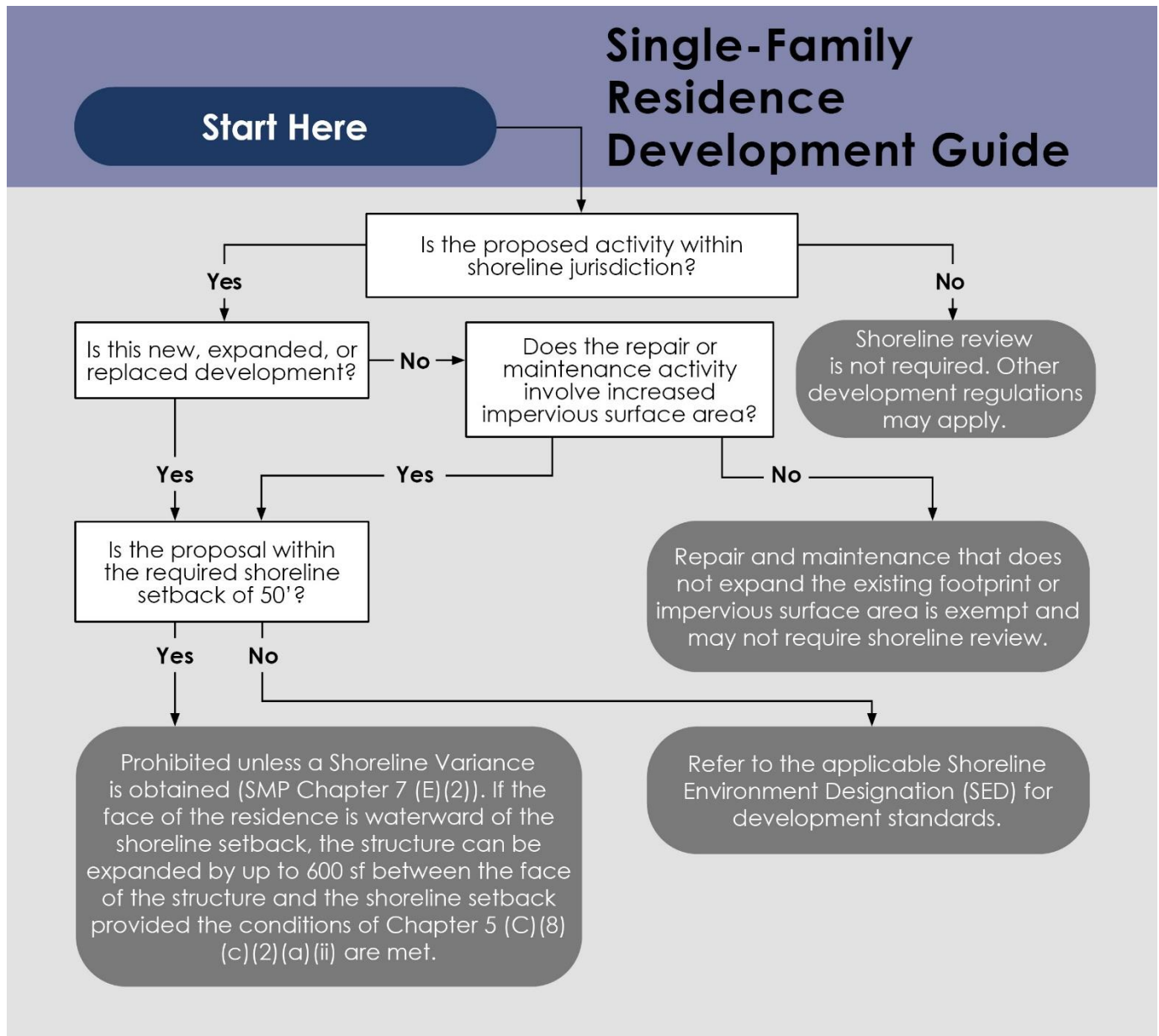
# Lake vs. Stream/River Regulations

## Upland Residential Development

### Application Process for Upland Residential Development<sup>1</sup>



*1. This process assumes that the project does not exceed the shoreline exemption threshold. Additional permits or reports may be required depending on the specific site conditions and project proposal.*



## Lake Buffers and Setbacks

Required Buffers for Residential Properties on Lakes within Shoreline Jurisdiction (see [Shoreline Environment Designation Map](#)):

<b>Standard Minimum Building Setback from OHWM</b> - 50-foot lake setback + 10-foot building setback
<b>Standard Minimum Deck Setback from OHWM</b> - 50 feet

*All covered or enclosed structures* shall be constructed at a minimum setback of 60 feet from the OHWM (consisting of 50 feet from the OHWM plus an additional 10-foot building setback).

*Non-enclosed garages and pavements for motorized vehicles (drives and parking areas)* shall be constructed at least 60 feet from the OHWM, unless the applicant demonstrates that such a configuration is not feasible.

## Stream/River Buffers and Setbacks

Required Buffers for Residential Properties within Shoreline Jurisdiction on Rivers or Streams Regulation (see [Shoreline Environment Designation Map](#)):

<b>Standard Minimum Building Setback</b>
<b>Catherine Creek</b> - 150-foot stream setback + 10-foot building setback
<b>Little Pilchuck Creek</b> - 150-foot stream setback + 10-foot building setback

Catherine Creek and Little Pilchuck Creek are the only streams regulated under the Shoreline Master Program in the City. All other streams within the city limits are regulated under LSMC [Chapter 14.88, Critical Areas](#).

*All covered or enclosed structures* shall be constructed at a minimum of 160 feet (consisting of 150 feet from the OHWM plus an additional 10-foot building setback) from the shoreline. The Shoreline Administrator may revise this setback in accordance with levee reconstruction design<sup>1</sup>.

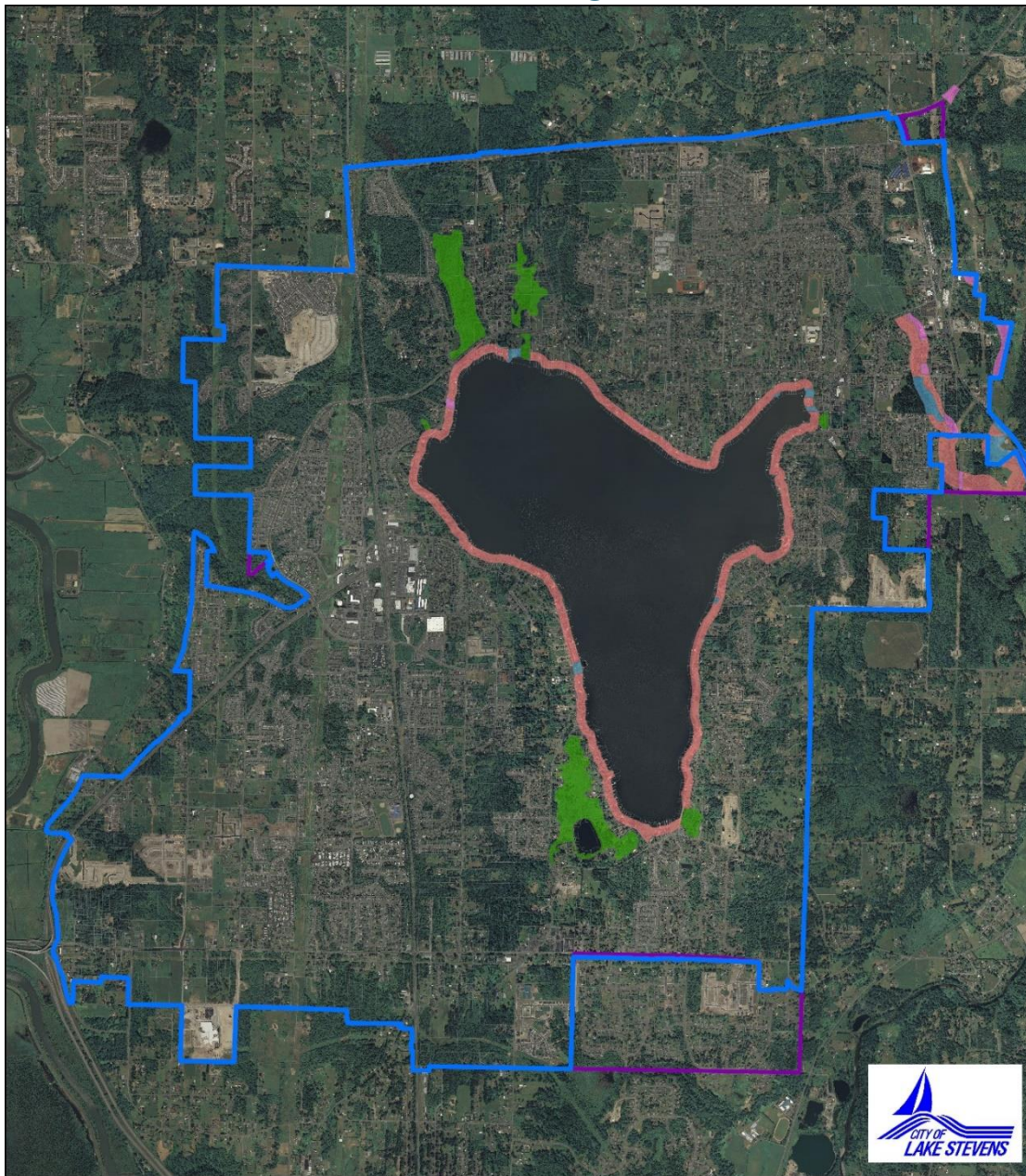
*Detached garages and vehicle (motorized and recreational) parking areas* shall be set back at least 200 feet from the OHWM. If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then they may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.

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<sup>1</sup> See SMP Chapter 3 Section B.5.c.7.



## Shoreline Environment Designation Map



### City of Lake Stevens Shoreline



#### Boundaries and Features

Shoreline Environments	
High Intensity	Urban Conservancy
Natural	UGA
	City Limits

All information and maps are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, and timeliness, merchantability and fitness for or the appropriateness of use rests solely on the requestor. The City of Lake Stevens makes no warranties, express or implied as to the use of the information obtained here. There are no implied warranties of merchantability or fitness for a particular use. The requestor acknowledges and accepts all limitations including the fact that the data, information, and maps are dynamic and in a constant state of maintenance, correction, and update.

Data Sources: Snohomish County (2013), City of Lake Stevens (2013) June 2013

## Frequently Asked Questions (FAQ)

### Can I tear down and rebuild my house/garage/boathouse?

If the structure is conforming to the regulations of the SMP, the structure may be demolished and reconstructed in conformance with the standards of the SMP. Per [RCW 90.58.620](#) and SMP Chapter 7 Section G, residential structures, and their appurtenances that were legally established prior to the effective date of the SMP are considered conforming.

As described in LSMC [Chapter 14.32](#), a nonconforming structure or nonconforming portion of a structure that is destroyed to an extent exceeding 75% of the assessed value of the structure at the time of damage shall not be reconstructed except in conformity with the current regulations.

Pursuant to SMP Chapter 7 Section G.5, for this reconstruction to occur, the application must be made for all necessary permits within 24 months of the date the damage occurred, and all reconstruction must be completed within two (2) years of permit issuance. All residential structures (including accessory uses and structures) located in a residential district may be reconstructed if destroyed to any extent; provided, that such reconstruction does not enlarge the prior building footprint nor increase the extent of the nonconformity existing prior to destruction.

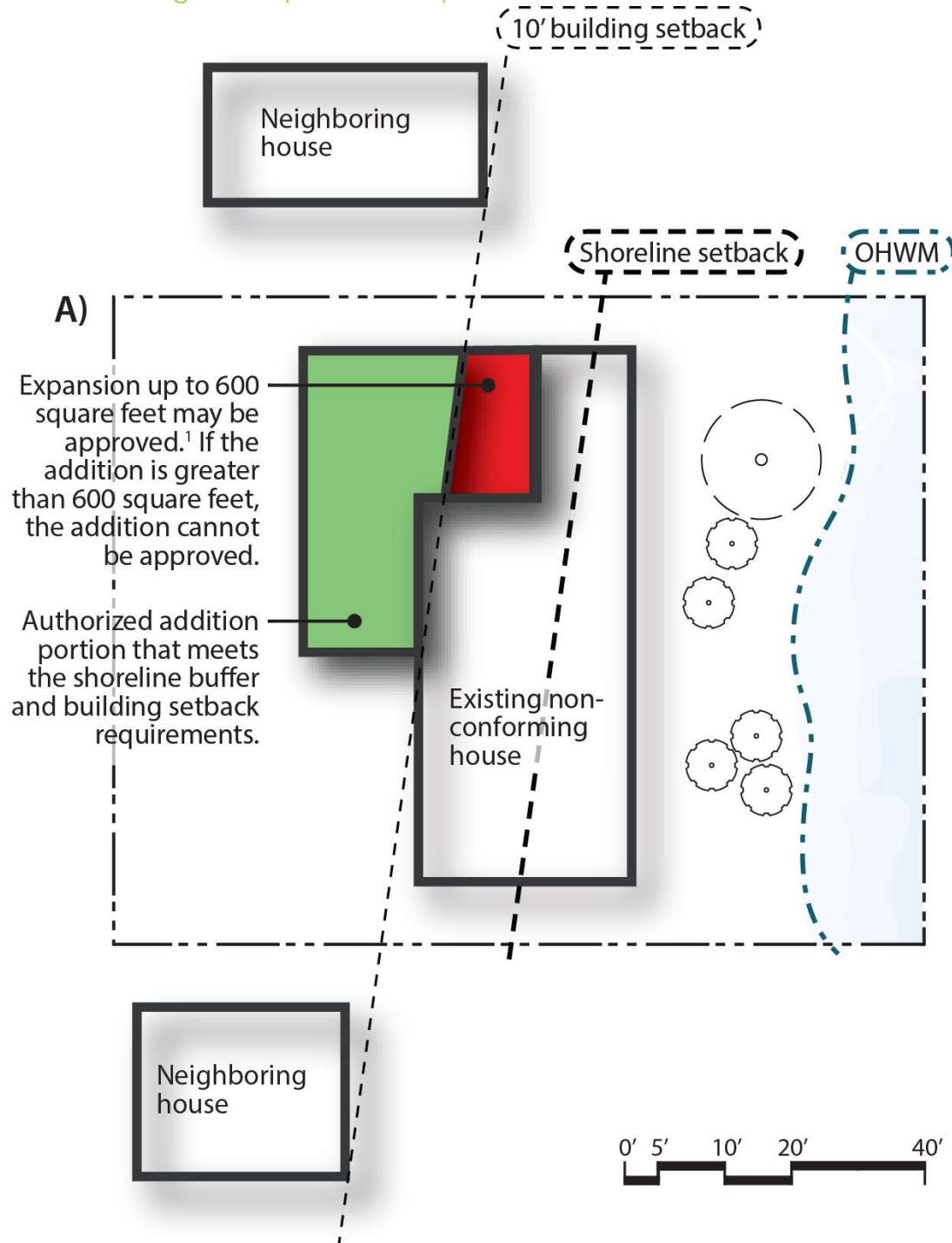
Repair or maintenance of an existing nonconforming structure is permitted. Repair and maintenance activities are defined in LSMC [Chapter 14.08](#) and SMP Chapter 7 Section G. The interior of the structures may be restored, remodeled, and improved to the extent of not more than 25% of the assessed value of the structure at the time of building permit in any consecutive 12 month period. New and replaced structures are required to comply with all current regulations, including setbacks, lot coverage, and height standards.

Existing structures that were legally established and are considered a legal use but do not meet the regulations for setbacks, buffers, or other dimensional standard may be enlarged or expanded provided that the enlargement does not increase the extent of noncompliance ([See Nonconforming Development Example](#)).

Pursuant to SMP Chapter 7 Section H, nonconforming uses shall not be enlarged or expanded, except for nonconforming single-family residences that are located landward of the ordinary high water mark.

Bulkheads, shoreline modifications, enclosed mooring structures, or overwater structures are not considered appurtenances to existing nonconforming structures as described in SMP Chapter 7 Section G and are subject to the nonconforming use clause in SMP Chapter 7 Section H.

### Nonconforming Development Example



<sup>1</sup>Pursuant to SMP Chapter 5 Section 8.c.2.a.ii, the footprint of the existing structure may be expanded up to 600 square feet within the area between the standard setback and the face of the structure if mitigation standards contained within SMP Chapter 3 Section B.4.c.4. are met.



## What is needed to repair or replace my bulkhead?

### Repair vs. Replacement

WAC 173-27-040(2)(c) allows for the construction or repair of a normal protective bulkhead for the purpose of protecting an existing single-family residence. New or replacement bulkheads shall not create more dry land.<sup>2</sup>

Pursuant to WAC 173-26-231(3)(a)(iii)(C),<sup>3</sup> in the context of shoreline stabilization, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new stabilization structures.

If the repair, maintenance, or replacement activity changes the location of the stabilization or alters any dimension of the stabilization by more than 10%, it shall be treated as a new stabilization and the City may require mitigation in accordance with this Program (see [Mitigation Requirements](#)).<sup>4</sup>

### Application Process for Bulkhead Repair/Replacement<sup>1</sup>

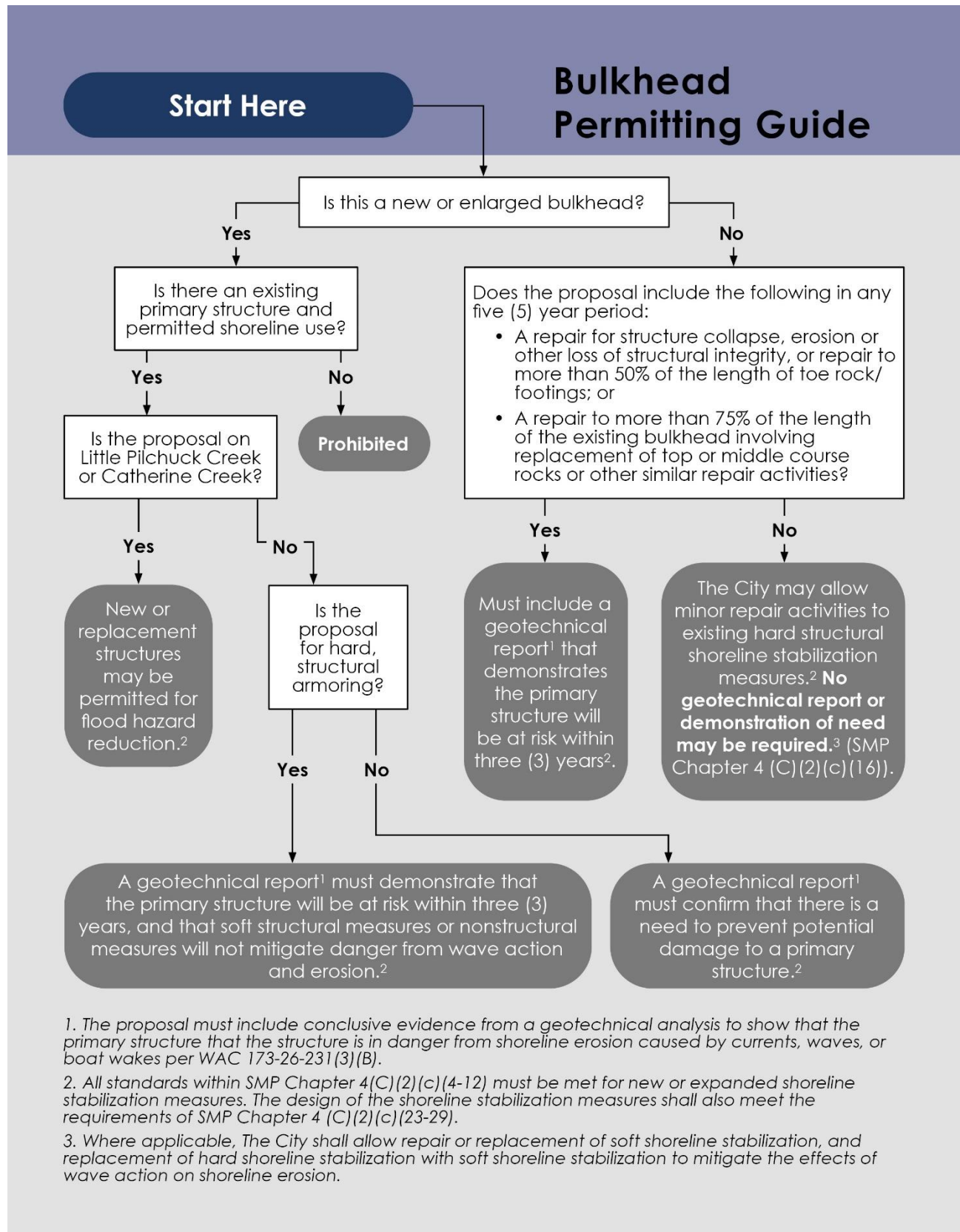


*1. This process assumes that the project does not trigger any other local permit requirements. A building permit may also be required.*

<sup>2</sup> As described in SMP Chapter 7 Section C.1.c.

<sup>3</sup> Requirements are contained in SMP Chapter 4 Section C.2.a.

<sup>4</sup> As described in SMP Chapter 4 Section C.2.c.4.





## What is needed to replace or repair my dock?

Replacement of the entire dock, or 50% or more of the dock support piles can be replaced up to 100% of the area (square footage) of the existing dock and shall comply with the following standards:

### Decking:

- All replacement piers must include decking with a minimum of 40% open space within 30 feet of the shoreline.
- Any dock element, whether in the first 30-feet or beyond, that exceeds in width must include decking with a minimum of 40% open space for the entire portion of that element.

### Piles:

Piles shall be either steel, concrete, PVC or similar, untreated wood or treated wood meeting or exceeding the standards outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in the Aquatic and Sensitive Areas and shall be spaced a minimum of 10 feet apart, except when shown not to be feasible for site-specific design considerations. Other materials may be considered if recommended by a qualified professional, on a case-by-case approach, when approved by the Shoreline Administrator or designee.<sup>5</sup>

Existing docks may be reconfigured consistent with the regulations in this section provided:

- The reconfiguration is not wider than six (6) feet within 30 feet of the shoreline;
- Does not exceed the maximum allowed length; and
- Does not create or increase nonconformity with respect to setbacks from side property lines.

Repair proposals which replace 50% or more of the decking on any dock element greater than six (6) feet wide must use decking with 40% open space for the entire portion of that element that is wider than six (6) feet.

If the cumulative repair proposed over a three-year period exceeds 50% or more of the dock support piles, the repair proposal shall be reviewed as a replacement.

Other repairs to existing legally established docks where the nature of the repair is not described above may be considered minor repairs by the Shoreline Administrator and be permitted if consistent with all other applicable codes and regulations.

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<sup>5</sup> Requirements are contained within SMP Chapter 4 Section C.3.c.28.

## Application Process for Dock Replacement<sup>1</sup> (Under \$20,000 valuation)<sup>2</sup>



1. This process assumes that the project does not trigger any other local permit requirements. Additional permits or reports may be required depending on the specific site conditions and project proposal.

2. As referenced in WAC 173-27-040(2)(h)(ii). Replacement dock must be equal or less square footage.

\*Building permit may be applied for after approval of the shoreline permit or concurrently.

## Application Process for Dock Replacement<sup>1</sup> (Over \$20,000 valuation)<sup>2</sup>



1. This process assumes that the project does not trigger any other local permit requirements. Additional permits or reports may be required depending on the specific site conditions and project proposal.

2. As referenced in WAC 173-27-040(2)(h)(ii).

\*Building permit may be applied for after approval of the shoreline permit or concurrently.

## Application Process for Decking Replacement Only<sup>1</sup>

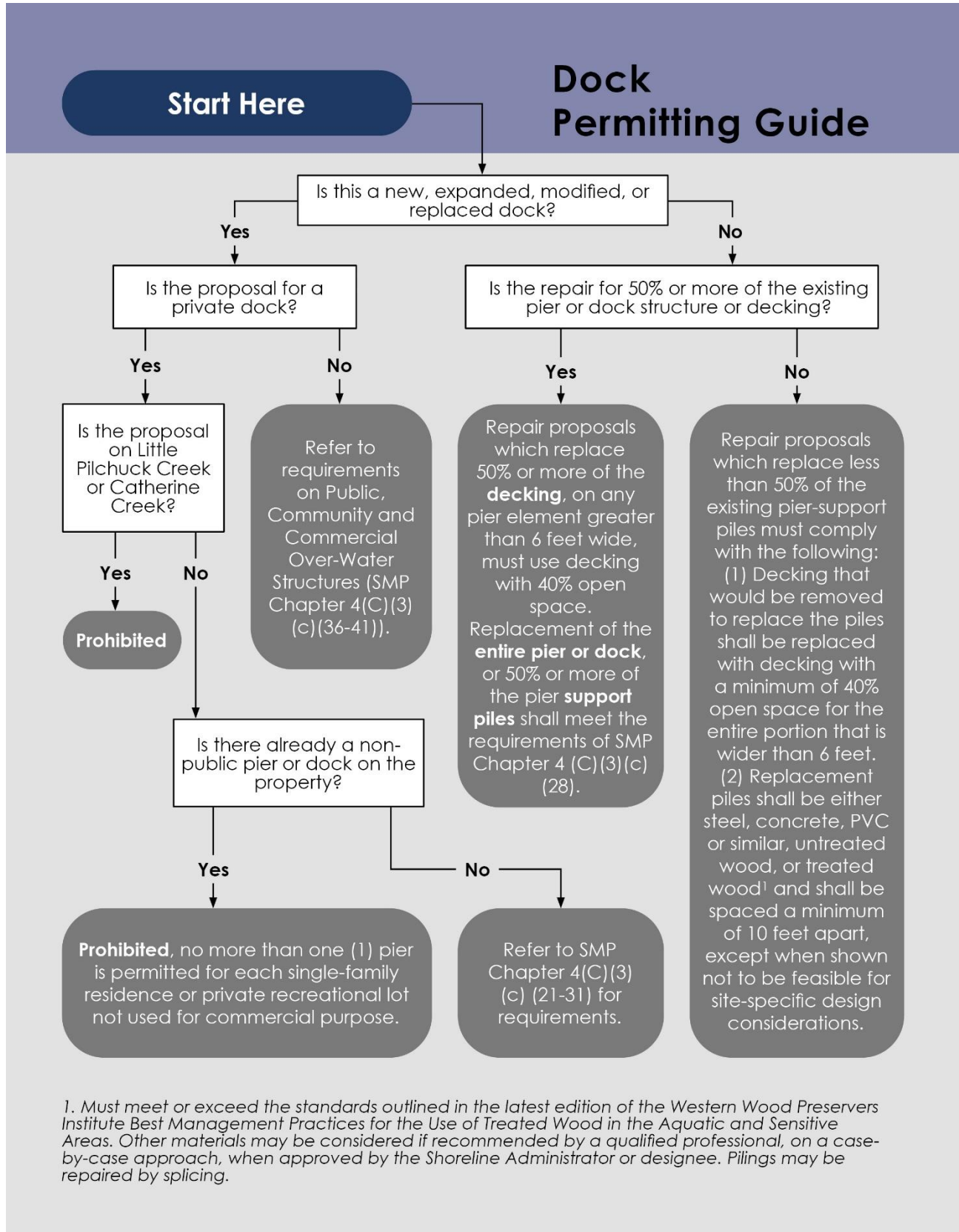


*1. This process assumes that the project does not trigger any other local permit requirements. Additional permits or reports may be required depending on the specific site conditions and project proposal.*



Photo Credit: Ron Brooks (brookspix1@gmail.com)





## What is needed to install a watercraft lift?

Watercraft Lifts may be permitted as an accessory to residential development as a shoreline exemption provided that the following criteria is met:

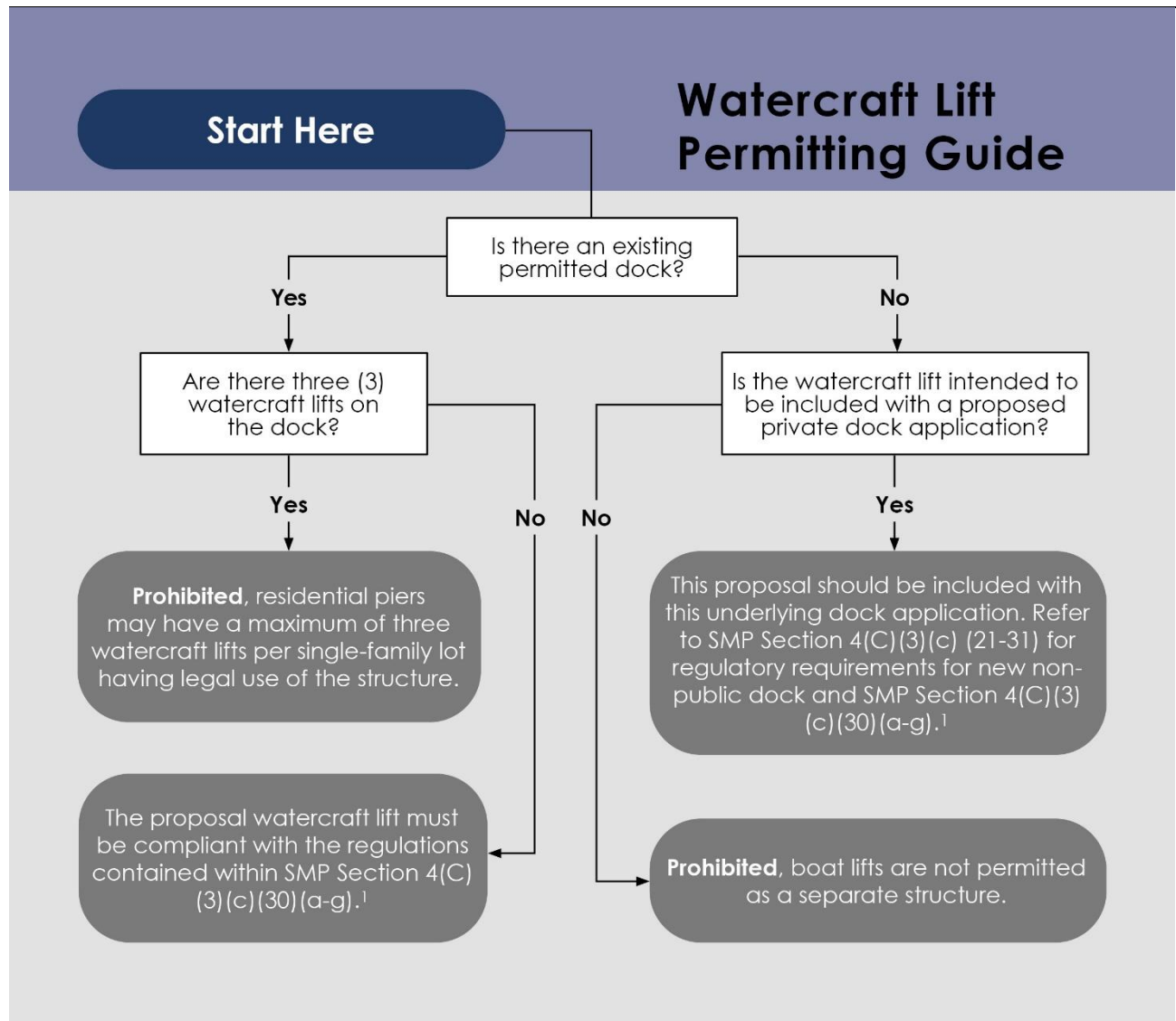
- Watercraft lifts are movable equipment employed to temporarily lift watercraft above the water for protection and storage and are allowed only as an accessory to a dock and not as a separate structure.
- Residential piers may have a maximum of three (3) watercraft lifts per single-family lot having legal use of the structure.
- All lifts are placed at least 30 feet waterward from the ordinary high-water mark (OHWM) and within the limits of the dimensional standards for docks in the SMP.
- Lift canopies (covers over the raised craft) must not be constructed of permanent structural material. The bottom of a lift canopy is elevated above the lift to the maximum extent practicable, the lowest edge of the canopy must be at least four (4) feet above the OHWM, and the top of the canopy must not extend more than 8½ feet above the adjacent pier.
- Lift canopies must be made of fabric material.
- Any platform lifts are fully grated or open allowing light to penetrate below the lift.
- The lifts and canopies comply with all other regulations as stipulated by State and Federal agencies.

The watercraft lift shall be located at least 10 feet from the extended side property lines (extended at the same angle as the property line on shore), except for joint use structures. Where a 10 foot setback is not feasible, as determined by the Shoreline Administrator, a five (5) foot setback from the side property line may be permitted. All over-water structures shall be configured to minimize interference with rights of navigation.<sup>6</sup>

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<sup>6</sup> Requirements are contained within SMP Chapter 4 Section C.3.c.5.





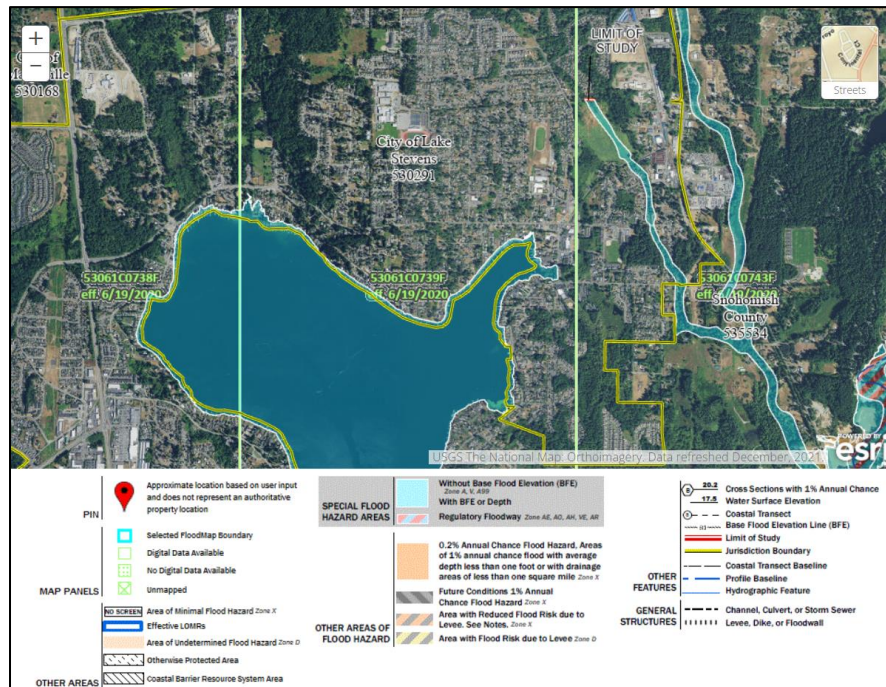
## When is a Floodplain Development Permit required?

As described in LSMC [Chapter 14.64, Special Flood Hazard Areas](#) (pursuant to SMP Appendix B: Critical Areas Regulations Within Shoreline Jurisdiction), all development in the regulatory floodplain, within the City of Lake Stevens, comprised of the special flood hazard area and all protected areas (i.e., lands within the boundaries of the floodway, the riparian habitat zone, and the channel migration area locally defined and mapped) shall comply to the requirements contained within LSMC Chapter 14.64 and other applicable local, State, and Federal regulations.

The boundary of a flood zone shall be contiguous with the regulatory floodplain as adopted by the City, per LSMC Chapter 14.64, Part I. Where a designation has not been adopted by the City, the special flood hazard area designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated on the Flood Insurance Rate Maps (FIRM). In the instance this information does not exist, the boundary determination shall be made by a licensed engineer and based upon the criteria used by FEMA. The Shoreline Administrator or designee shall confirm this boundary determination.

For permitting purposes, over-water and in-water projects such as docks, bulkheads, and watercraft lifts are considered to be within the regulatory floodplain and require a Floodplain Development Permit. A habitat impact assessment is required for most new structures within the floodplain pursuant to LSMC 14.64.030 and 14.64.055.

The regulatory floodplain maps can be found at: [FEMA Flood Map Service Center | Welcome!](#)



Source: FEMA Flood Map Service Center

## What are the requirements for stormwater management design?

All development activities must be consistent with the [Washington State Department of Ecology Stormwater Management Manual for Western Washington](#) (SWMMWW).

All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters. The following new development or redevelopment activities shall comply with the minimum requirements described in the SWMMWW for the new and replaced hard surfaces and the land disturbed:

- Results in 2,000 square feet, or greater, of new plus replaced hard surface area, or
- Has land disturbing activity of 7,000 square feet or greater.

For activities that meet or exceed these thresholds, the applicant is required to prepare a Construction Stormwater Pollution Prevention Plan (SWPPP). Projects below the thresholds referenced above are not required to prepare a Construction SWPPP but must consider all the Construction SWPPP Elements and develop controls for all Construction SWPPP Elements that apply to the project site.

All development activities should consult with the SWMMWW for minimum requirements or additional information.

## How do you determine the Ordinary High-Water Mark (OHWM)?

As described in SMP Chapter 6, Definitions, the OHWM is *"that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology. Any area where the ordinary high-water mark cannot be found; the ordinary high-water mark shall be the line of mean high water (RCW 90.58.030(2)(b) and (c))."*

If the OHWM has not been surveyed, a qualified consultant can delineate the OHWM to determine setbacks and applicable regulations. An example of the approximate OHWM and regulatory setbacks is included below:





## What is the Fish Window?

To reduce the risk of impacts to fish and other wildlife at sensitive life stages, the Washington Department of Fish and Wildlife (WDFW) allows in-water work during a defined construction window. Certain in-water work, such as pile driving, watercraft lift installation, and bulkhead work, is not allowed outside of this construction window.

For projects to be constructed during this work window, staff recommend that applicants submit permit applications as early as possible. The fish construction window is typically from July to September. However, the exact dates are determined by WDFW based on site-specific conditions, circumstances, the type of work proposed, and fish life stages present.

## What is an HPA?

An HPA ([Hydraulic Project Approval](#)) is a separate permit obtained from WDFW for in-water or over-water work. As a condition of City approval, the applicant will be required to apply for such a permit, when necessary. WDFW has up to 45 days to issue standard HPAs, so staff recommend including the WDFW review time into your desired construction timeline. Additional information and a link to the HPA application can be found [here](#).

## What is SEPA?

The State Environmental Policy Act (SEPA) process identifies and analyzes environmental impacts associated with local decisions. These decisions may be related to issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans.

Most projects relating to single-family residences or appurtenances landward of the OHWM are exempt. See [WAC 197-11-800\(1\)\(b\)\(i\)](#) and WAC [197-11-800\(3\)](#) for additional information.

New docks, boatlifts, and shoreline stabilization are not exempt and require applicants to complete a [SEPA checklist](#).

City staff will review the checklist and either issue a Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), or a Determination of Significance (DS). For smaller projects such as docks, boatlifts, and shoreline stabilization comment to single-family residences, typically a DNS or MDNS will be issued. Public notice and a 14-day comment period is required per WAC 197-11.



## Permitting Timeline for Shoreline Exemption without SEPA<sup>1</sup>



1. Pursuant to WAC 365-196-845 and SMP Chapter 7.C.1.

## Permitting Timeline for Shoreline Exemption with SEPA<sup>1</sup>



1. Pursuant to WAC 365-196-845 and SMP Chapter 7.C.1.

## What's allowed in the setback?

### For Catherine Creek and Little Pilchuck:

*Patios and decks:* Uncovered patios or decks no higher than two (2) feet above grade may encroach into the building setback.

*Fences:* All streams are required to have a wildlife-passable fence installed at the edge of the required shoreline setback. If fencing of this type is not currently present, it will be required to be installed at the time of building permit or other development proposal. Fencing shall typically consist of split rail cedar fencing, other non-pressure treated materials approved by the Shoreline Administrator or treated wood that meets the standards outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in the Aquatic and Sensitive Areas. The fencing shall also include sensitive area signage at a rate of one (1) sign per lot, or one (1) sign per one hundred (100) feet and along public right-of-way, whichever is greater.

### For Lakes:

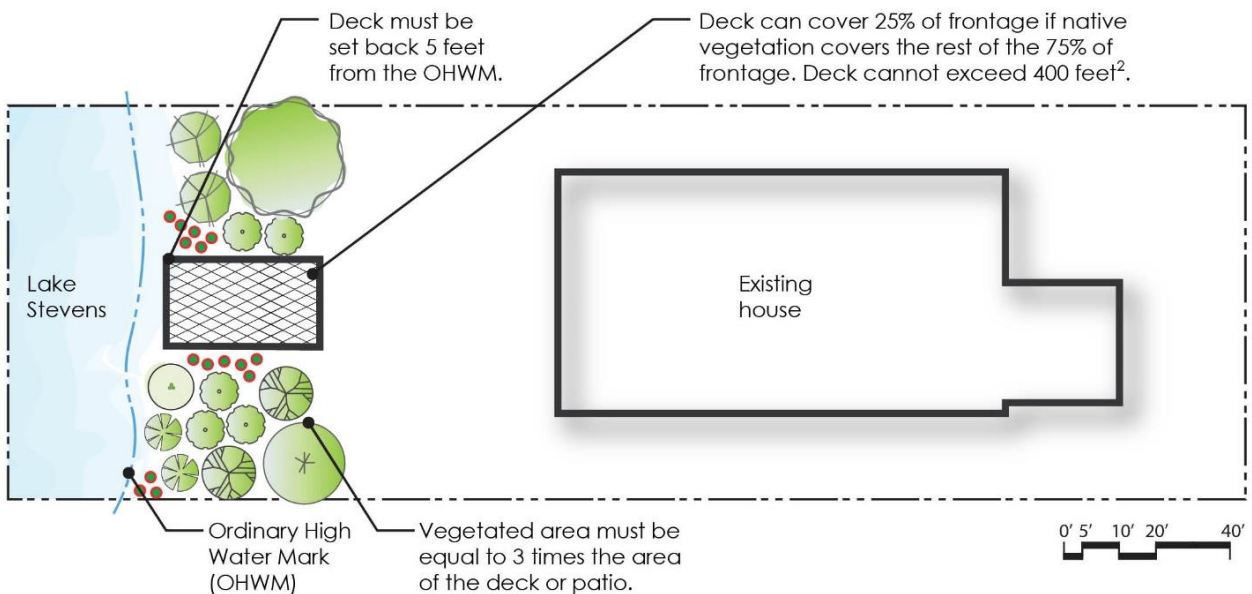
*Patios and decks:* Uncovered patios made with porous materials or above grade decks may extend a maximum of 10 feet into the building setback. These structures must be constructed at a minimum of 50 feet from the OHWM.

*Waterfront deck or patio bonus:* If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed within the shoreline setback provided the property owner agrees to not construct a bulkhead or install any hard shoreline stabilization to protect the deck in the future, and meets the following requirements (see [example](#) below):

- Waterfront deck or patio covers less than 25% of the shoreline frontage (width of lot measured along shoreline) and native vegetation covers a minimum of 75% of the shoreline frontage. The waterfront deck would count toward total impervious surface calculations.
- Within 25 feet of the shoreline, for every square foot of waterfront deck or patio, three (3) square feet of native vegetated area (not lawn) shall be provided along the shoreline. The vegetation provided cannot also be counted toward the [incentive to provide shoreline vegetation](#) below. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.
- The total area of the waterfront deck or patio along the shoreline shall not exceed 400 square feet.
- The deck or patio is set back five (5) feet from the OHWM.
- The deck or patio is no more than two (2) feet above grade and is not covered.
- The property owner adheres to a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:
  - Requires the preparation of a revegetation plan,

- Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,
- Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and
- Includes a monitoring and maintenance program. This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.

Waterfront deck bonus for lots with no bulkhead or if bulkhead is removed



Source: City of Lake Stevens SMP Figure 6

## Application Process for Deck Development<sup>1</sup>

Applicant submits applications for the following permits:

- Shoreline Exemption
- Building Permit



City reviews applications and associated materials, including mitigation sequencing, and issues approval if all criteria has been met.

*1. This process assumes that the project does not exceed the shoreline exemption threshold. Additional permits or reports may be required depending on the specific site conditions and project proposal.*

### *Incentives to provide shoreline vegetation:*

For properties adjacent to regulated lakes, the maximum amount of impervious surface area can be increased if native vegetation, including trees and shrubs, is included along the shoreline.

For every five (5) feet of vegetation depth (measured perpendicular to the shoreline) added along the OHWM, the percentage of total impervious surface area can increase by 2%, up to a maximum of 50% for total impervious surface area. Properties that have been developed under the small lot exception<sup>7</sup> can use this incentive to increase impervious surface area up to 60%.

A maximum of 25% of the native vegetated area may be left open for views and access. The vegetation provided also cannot be counted toward the incentive for waterfront decks. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.

All property owners who obtain approval for increase in the impervious surface coverage in exchange for planting native vegetation must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

- Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,
- Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and;
- Includes a monitoring and maintenance program.

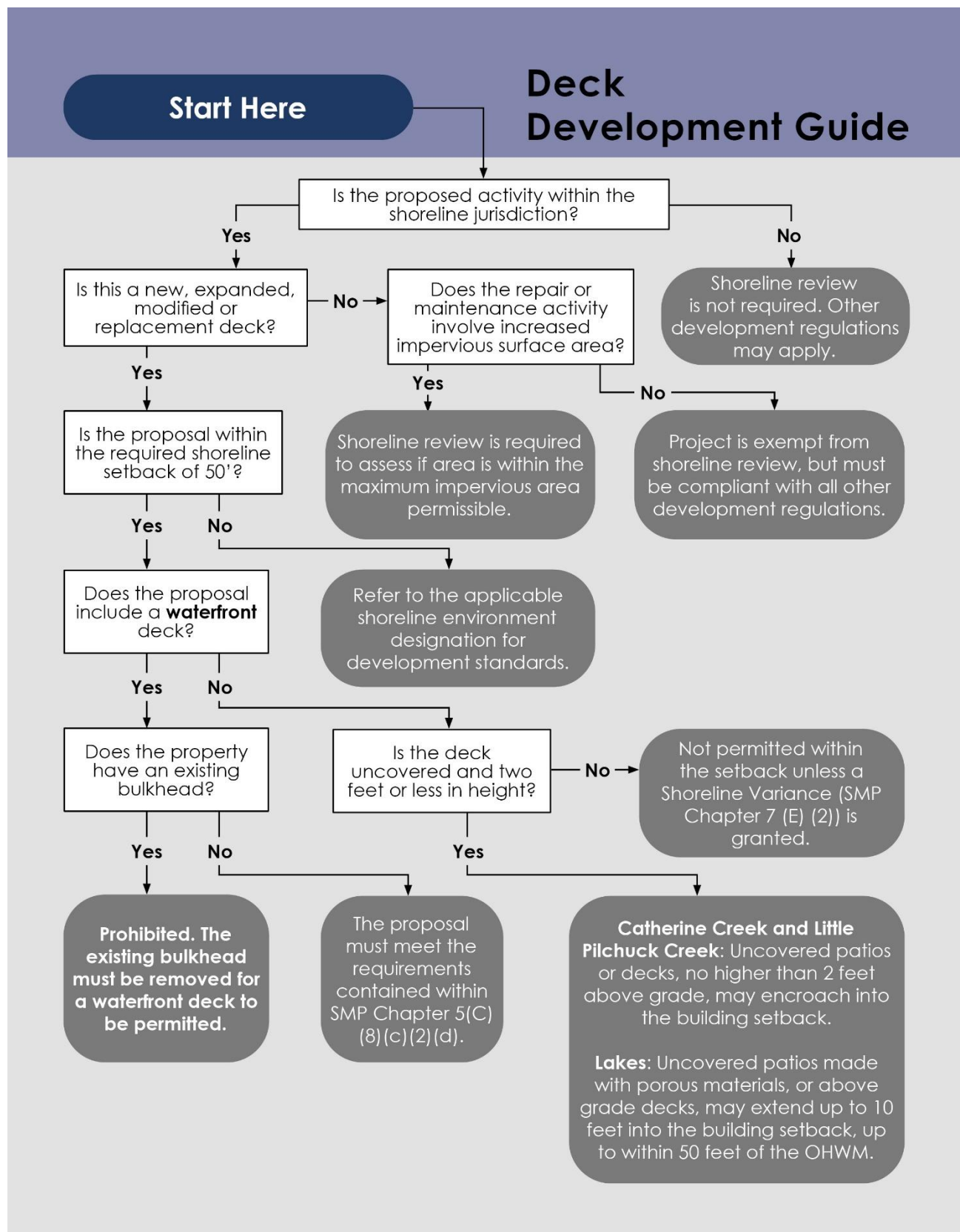
This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.



Photo Credit: Ron Brooks (brookspix1@gmail.com)

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<sup>7</sup> Small lot exception criteria are contained within SMP Chapter 5 Section C.8.c.3.b.





*A 4-foot-wide path (or six-feet for ADA accessibility upon documentation of need)* may be in the required lake shoreline buffer to provide access to the shoreline or to a dock, contingent upon meeting no net loss of shoreline ecological function and the following provisions:

- a. Within 20 feet of the ordinary high-water mark, for every one square foot of path within the shoreline setback, three square feet of native vegetated area (not lawn) shall be provided or enhanced along the shoreline. No shoreline mitigation planting may be double counted for other existing or new impacts. (See [Example Mitigation/Revegetation Plan](#))

*Landscape installation or site improvements, including but not limited to landscape walls and land disturbance (e.g., grading),* will be allowed, including within the shoreline setback, when in support of an allowed shoreline use if the following requirements are met:

- o All landscaping installations or site improvements within the shoreline setback shall comply with the policies and regulations regarding vegetation conservation contained in SMP Chapter 3.B.11 and meet no net loss of shoreline ecological function. No shoreline mitigation planting may be double counted for other existing or new impacts.
- o Landscape walls shall not exceed four (4) feet in height and cannot be placed closer than 20 feet landward of the ordinary high-water mark.
- o For every lined foot of wall within the shoreline setback, three (3) square feet of native vegetated area (not lawn) shall be provided or enhanced no greater than 20 feet landward of the ordinary high-water mark, along the shoreline.

### *Limited residential expansion (where applicable)*

If the setback at the face of the existing single-family residence is less than the standard shoreline setback, the footprint of the existing structure may be expanded up to 600 square feet within the area between the standard setback and the face of the structure if mitigation standards<sup>9</sup> are met. The impacts to the shoreline setback because of the proposed expansion must be mitigated at a 1:1 ratio through planting of vegetation or low impact development techniques on the shoreline. The proposed mitigation area must be completed no greater than 20 feet landward (see [Example Mitigation/Revegetation Plan](#)). All other regulations including side setbacks and impervious surface requirements must be met. Additional expansion may occur landward of the standard setback in conformance with all other regulations.

<sup>9</sup> Mitigation standards can be found in SMP Chapter 3 Section B.4.c.4.

## Mitigation Requirements

As one of the conditions of approval for development or removal of vegetation within the shoreline setback, any disturbed areas not otherwise occupied by approved structures shall be revegetated with native vegetation as mitigation pursuant to SMP Chapter 3.B.11.c.6. Following completion of the construction related activities, disturbed shoreline areas shall be restored to pre-project conditions or conditions set by the Shoreline Administrator. The Shoreline Administrator may require conditions such as:

- Replanting of previously cleared areas
- Removal of invasive or noxious weeds to be replaced with native vegetation
- Vegetation conservation measures, such as planting native vegetation along the shoreline

Following the development of shoreline modification activities (such as a dock or bulkhead), disturbed shoreline areas are required to be restored to pre-existing conditions per SMP Chapter 4.C.2.c.12. Plantings shall consist of native grasses, shrubs, and trees as approved by the Shoreline Administrator consistent with pre-existing or typical naturally occurring bank vegetation. Vegetation shall be fully re-established within three (3) years. All revegetation projects shall include methods for monitoring and maintenance. Areas which fail to adequately re-establish vegetation shall be replanted with approved plants and/or vegetation until the vegetation is successfully re-established.

In addition, other agencies, such as WDFW, may require additional mitigation to obtain an HPA permit.

### Tree Removal

Snags and living trees within the shoreline setback area should generally be retained. Such trees may only be removed if they present an extreme hazard as verified by an arborist or their removal is part of an approved mitigation plan pursuant to SMP Chapter 3.B.11.c.7.

For every one tree removed, three (3) trees must be planted in its place pursuant to LSMC 14.76.120(d).

### Example Mitigation/Revegetation Plan

A mitigation plan can be prepared by homeowners or designers following the methodology in the graphic below<sup>8</sup>:

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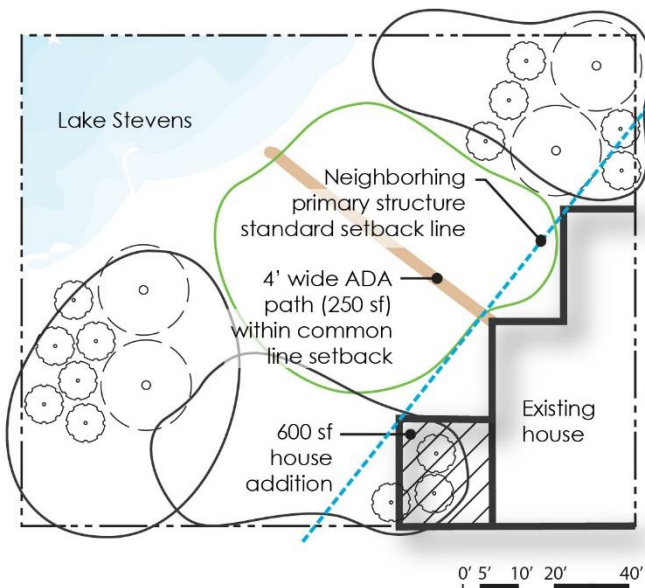
<sup>8</sup> Mitigation requirements are contained within SMP Chapter 5 Section C.8.c.2.a.ii.



## 1. Existing Conditions

Sketch out existing land covers.<sup>1</sup>

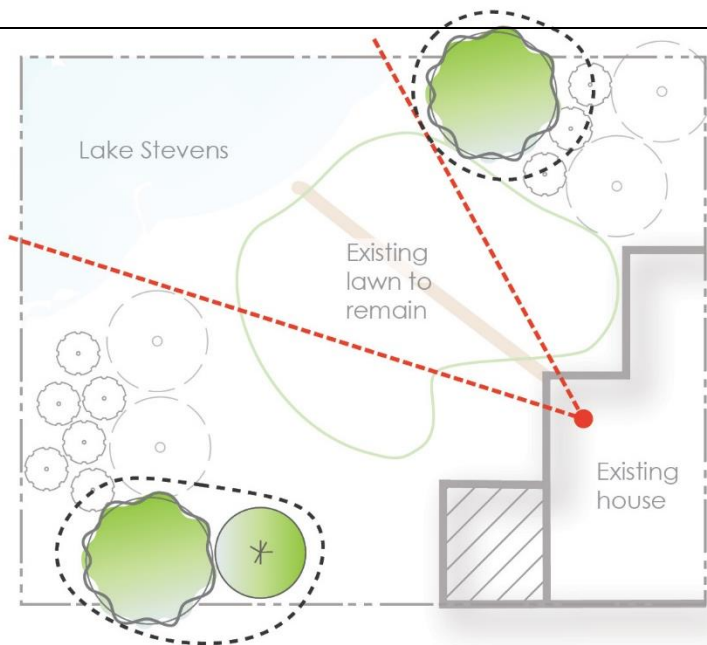
1. Note, proposed mitigation cannot count existing vegetation.



## 2. Calculate Impacts

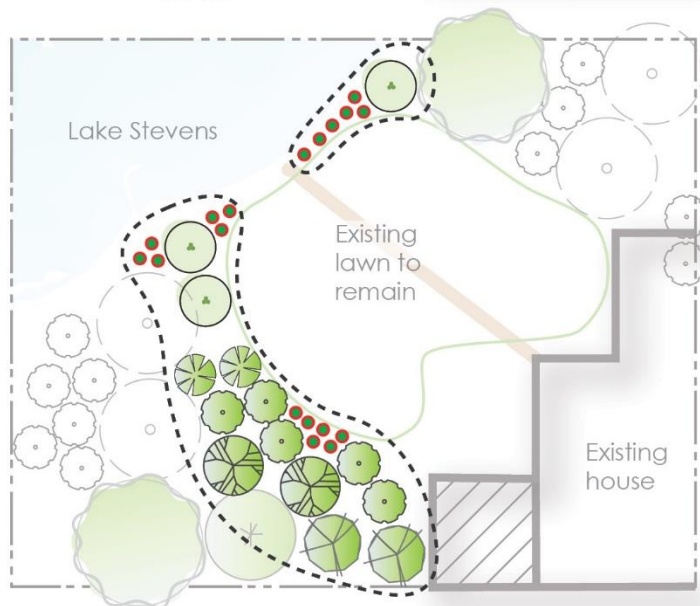
Mitigation Impact Ratio Table

Mitigation type	Mitigation ratio	Mitigation area
Native vegetation conversion to house addition	1:1	600 square feet (sf)
Grass lawn conversion to path within common line setback	3:1 pursuant to Chapter 5 Section C.8.c.8.a	750 sf



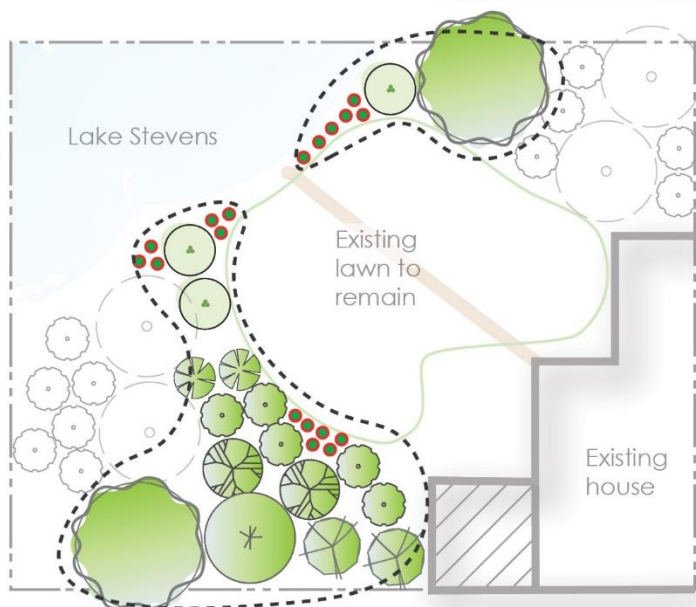
### 3. Propose trees

Think of your site limitations and arrange proposed planting groups around them. For example, defining a view corridor from your house helps to avoid incorrect placement of large trees or tall shrubs. Draw the new trees first.



### 4. Propose shrubs and groundcover

Fill in the shrub and groundcover areas. Remember to arrange them as if you are taking a school photo: tall at the back and short at the front. You can infill shrubs or groundcovers underneath tree canopies as well.



### 5. Calculate mitigation area provided

The mitigation area in this example would be a minimum of 1,350 square feet to offset the 600 square foot house addition and 250 square foot pathway.





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## Examples of Appropriate Native Plants

		Common Name	Deciduous	Evergreen	Dry	Moist	Wet	Sunny	Part Shade	Shady	Other	Height (Ft)
Large Trees	Space 15 Feet Apart	Big Leaf Maple	X		X	X		X	X			70
		Black Cottonwood	X			X	X	X	X		Roots can invade pipes.	150
		Oregon White (Garry) Oak	X		X	X		X	X			75
		Red Alder	X		X	X	X	X	X			75
		Douglas Fir		X	X	X		X	X			175
		Grand Fir		X	X	X		X	X	X		175
		Sitka Spruce		X		X	X	X	X			155
		Western Hemlock		X		X			X	X		255
		Western Red Cedar		X		X	X		X	X		200
Small Trees	Space 12 Feet Apart	Bitter Cherry	X		X	X		X	X			35
		Cascara	X		X	X	X	X	X	X		35
		Oregon Ash	X			X	X	X	X			60
		Pacific Crabapple	X			X	X	X	X			40
		Pacific Dogwood	X			X			X	X		25
		Vine Maple	X		X	X		X	X	X		25
		Willow, Pacific	X			X	X	X	X			50
		Willow, Scouler's	X		X	X		X	X			23
		Black Hawthorn		X		X	X	X	X		Large thorns.	25
		Shore Pine		X	X	X	X	X	X		Salt tolerant.	33
Large Shrubs	Space 8 Feet Apart	Beaked Hazelnut	X		X	X		X	X	X		20
		Elderberry, Blue and Red	X		X	X		R	X	X		20
		Osoberry	X		X	X		X	X	X		11
		Ocean Spray	X		X	X		X	X			15
		Orange Honeysuckle	X		X			X	X			15
		Pacific Ninebark	X			X	X	X	X	X		10
		Red Osier Dogwood	X			X	X	X	X	X		15
		Service Berry/Saskatoon	X		X	X		X	X	X		11
		Willow, Sitka	X			X	X	X	X			15
		Pacific Rhododendron		X		X		X	X	X		9
Small Shrubs	Space 5 Feet Apart	Black Twinberry/Bearberry Honeysuckle	X			X	X		X	X		5
		Huckleberry, Red	X		X	X			X	X		7
		Mock Orange	X		X	X		X	X		Fragrant.	8
		Roses: Baldhip, Clustered, Nootka	X		X	X	X	X	X		Prickly.	7
		Red Flowering Currant	X		X	X		X	X			8
		Salmonberry	X			X	X	X	X	X	Thorns.	7
		Snowberry	X		X	X	X	X	X			4
		Spirea	X			X	X	X	X			6

## Section 5 | Mitigation Requirements

		Thimbleberry	X		X	X		X	X	X		6
		Wild Blackberry	X		X			X	X	X	Prickly. Trailing.	
		Hairy Manzanita		X	X			X				7
		Huckleberry, Evergreen		X	X	X			X	X		4
		Kinnikinnick		X	X			X			Trailing.	
		Oregon Grape, Tall		X	X	X		X	X	X		6
		Salal		X	X	X		X	X	X		5
Ground Covers	Space 3 Feet Apart	Ferns: Deer(D), Lady(L), Maidenhair(M), Sword(S).	L	D S	L S	X	D M	L	X	X		
		Oregon Grape, Low		X	X	X		X	X	X		
	Space 1 1/2 feet or less	Deerfoot/Vanillaleaf	X			X			X	X		
		False Lily of the Valley	X	X	X	X			X			
		False Solomon's Seal	X			X			X	X		
		Pacific Bleeding Heart	X		X	X			X	X		
		Western Trillium	X			X				X		
		Native grasses, sedges, and other natives may be										
Emergent/Submerged		<u>Emergent:</u>										
		Panicled Bulrush				X	X					
		Small-fruited Bulrush				X	X					
		Common Spikerush				X	X					
		American Bulrush				X	X					
		<u>Submerged:</u>										
		Yellow Pond Lily					X					
		Common Waterweed					X					

<sup>1</sup>Note that the native plant species listed above are not considered to be an all-inclusive list and may not be appropriate for all soil types or conditions.

## Appendix A: Application Requirements

In addition to the application requirements of the specified submittal checklist, any person applying for a shoreline substantial permit shall submit with their application the following<sup>9</sup>:

- The name, address and phone number of the applicant, applicant's representative, and property owner;
- The location and legal description of the proposed shoreline substantial development;
- Name of the shoreline (water body) associated with proposal;
- A general description of the vicinity of the project (at least 400 feet) including adjacent uses, structures and improvements, intensity of development and physical characteristics;
- The present and intended use of the property and a description of the proposed shoreline substantial development project including proposed use(s) and activities necessary to accomplish the project.
- A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information and include photos or text, as required. The following information will be provided on a site plan map:
  - Land contours, using five-foot contour intervals; if project includes grading, filling, or other alteration of contours, then either:
    - Show both existing and proposed contours on a single map, clearly indicating which is which, and include subsections (f)(ii) through (xiii) of this section; or
    - Provide two or more maps, one showing existing contours, including subsections (f)(ii) through (vi) of this section, and the other showing proposed contours, including subsections (f)(vii) through (xiii) of this section;
  - Dimensions, including height, size and location of existing and proposed structures and improvements, including but not limited to buildings, paved or gravel areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities;
  - Ordinary high-water mark;
  - Beach type: sand, mud, gravel, etc.;
  - Width of setback, side yards;
  - Delineate all critical areas including lakes, streams and wetland areas and their buffers and identify those to be altered or used as part of the development;
  - General indication of character of vegetation found on the site;
  - Proposed temporary and permanent fill areas (state quantity, source and composition of fill);

<sup>9</sup>The referenced requirements are contained within SMP Section 7 (C)(2) under Supplemental Application Requirements for a Substantial Shoreline Development Permit (WAC 173-27-180).

- ☐ Proposed excavated or dredged areas (state quantity, composition and destination of material);
- ☐ A landscaping plan for the project, if applicable;
- ☐ Plans for mitigation on or off the site for impacts associated with project, if applicable;
- ☐ A depiction of impacts to views from existing residential uses and public areas, where applicable; and
- ☐ For variances, clearly show on plans where development could occur without approval of variance, the physical features and circumstances on the property that provide a basis for request and location of adjacent structures and uses.
- ☐ Total value of all construction and finishing work, based on building permit valuation table for structures or engineer's estimate, for which the permit will be issued, including all permanent equipment to be installed on the premises;
- ☐ Approximate dates of construction initiation and completion;
- ☐ Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;
- ☐ Listing of any other permits for this project from State, Federal or local government agencies for which the applicant has applied or will apply;
- ☐ Any additional material or comments concerning the application which the applicant wishes to submit may be attached to the application on additional sheets; and
- ☐ Owners of record within 300 feet of project site in electronic table format.