

Chapter 7 - GENERAL STANDARDS AND REGULATIONS

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7.010 Buffers and Setbacks:

Upland areas adjacent to the shoreline perform essential functions necessary to sustain habitat and ecological processes. It is for this reason that development must be set back from the water's edge and that natural buffers must be created and or preserved. The City currently regulates such areas through the Critical Areas Ordinance (Ordinance 4965 codified in BMC 20.14), however in areas regulated by this document within the shoreline jurisdiction, the following policies and regulations will supersede those within the Critical Area Regulations:

Policies:

- (a) The critical areas that are within the shoreline jurisdiction are to be protected and managed in such a manner that the result of any use, activity, or development is no net loss of shoreline ecological functions.
- (b) The City should protect critical areas and their existing shoreline ecological functions so they continue to contribute to existing ecosystem wide processes.
- (c) The City should promote uses and values that are compatible with other objectives of this section, such as public access and native vegetation management, provided there is no significant adverse impact to shoreline ecological functions.

Regulations:

- (a) **Critical Area Ordinance Applicability:** Critical Areas that are within the shoreline jurisdiction are regulated by the Critical Areas Regulations, (Ordinance 4965 2008), codified under BMC 20.14 which is herein incorporated into this SMP however, the following sections of the Critical Area Ordinance do not apply:
 - BMC 20.14.145(d) Exemptions for Forest Practices;
 - BMC 20.14.145(f) Exemptions for activities within improved Right-of-Way;
 - BMC 20.14.155 Reasonable Use Exception;
 - ~~BMC 20.14.200 Definition of "Wetlands";~~
 - ~~BMC 20.14.330(f)(1) Standard Wetland Buffer Widths;~~
 - ~~BMC 20.14.340(f) & (g) Mitigation Replacement and enhancement Ratios;~~
 - ~~BMC 20.14.730(d) Table 1: Water Type Buffer Standard.~~
 - ~~BMC 20.14.730(d)(5) Buffer Reduction;~~
 - ~~BMC 20.14.730 (d)(8) Habitat Conservation Area Buffers;~~

~~(b) **Wetland Buffers:** For wetlands within the shoreline jurisdiction the following provisions supersede those established within the Critical Areas Ordinance specifically relating to buffers as follows:~~

Wetland Category	Standard Buffer Width	Moderate Wildlife Function (21-25 Points)	Moderate-High Wildlife Function (26-29 points)	High Function (30-36 wildlife points)
Category I: Based on Score	75 ²	105 ²	165 ²	225 ²
Category I: Coastal Lagoons	150 ²	N/A	165 ²	225 ²
Category I: Forested	75 ²	105 ²	165 ²	225 ²
Category I: Estuarine	150 ²	N/A	N/A	N/A
Category II: All	75 ²	105 ²	165 ²	225 ²
Category III: All	60 ²	105 ²	165 ²	N/A
Category IV: All	40 ²	N/A	N/A	N/A

~~(c) **Wetland Mitigation:** For wetlands within the Shoreline Jurisdiction the following mitigation standards shall supersede those established in the Critical Area Ordinance (BMC 20.14.340(f & g)):~~

Wetland Category	Wetland Mitigation Type and Replacement Ratio*			
	Creation	Re-establishment	Rehabilitation	Enhancement Only
Category I	6:1	6:1	12:1	Not allowed
Category II	3:1	3:1	6:1	12:1
Category III	2:1	2:1	4:1	8:1
Category IV	1.5:1	1.5:1	3:1	6:1

~~(1) **Wetland Mitigation Ratios:** These apply to creation or restoration that is in-kind, is onsite, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios will apply in those cases. These ratios do not apply to the use or credits from state certified wetland mitigation banks. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification.~~

~~(2) Within the shoreline jurisdiction, compensation for wetland buffer impacts shall occur at a minimum 1:1 ratio. Compensatory mitigation for buffer impacts shall~~

~~include enhancement of degraded buffers by planting native species, removing structures and impervious surfaces within buffers.~~

(d)(b) Shoreline Buffers and Setbacks:

- (1) The following table defines required buffers and setbacks for Type S waters. Buffers and setbacks for all other non-shoreline waters (Type F, Type Np, and Type Ns) are defined in BMC 20.14.730(d), Table 1, supersedes the buffers and setbacks established for Fish and Wildlife Habitat Conservation Areas in (BMC 20.14.730(d)) as follows:

DESIGNATION	Minimum Building Setback	Buffer Width Standard
<u>URBAN CONSERVANCY</u>	15 feet beyond buffer	175 feet
<u>SINGLE FAMILY & MULTI FAMILY RESIDENTIAL</u>		
Lot depth less than 125'	5 feet beyond buffer	20% of lot depth
Lot depth 125' to 199' ²	10 feet beyond buffer	20% of lot depth
Lot depth greater than 200'	15 feet beyond buffer	30% of lot depth (Maximum of 100')
<u>RECREATIONAL</u>	15 feet beyond buffer	100 feet
<u>COMMERCIAL / INDUSTRIAL / DOWNTOWN WATERFRONT</u>	15 feet beyond buffer	50 feet
<u>ISOLATED</u>	None	None
<p>1. Please note: For all designations, setbacks and buffers listed above the following shall apply:</p> <ul style="list-style-type: none"> a. Where lot depth is less than 150 feet on Commercial or Recreational lots, the buffers listed above may be reduced to 20% of the lot depth. b. In no case shall a buffer be less than 10' or greater than 100' in the Shoreline Residential Designation. c. Buffers are measured from the Ordinary High Water Mark. 		

- (2) **Buffers and Associated Building Setback Areas:** The distance of the buffer shall be measured from the Ordinary High Water Mark (OHWM). Buffers shall remain undisturbed natural beach or vegetation areas except where the buffer can be enhanced to improve its functional attributes, as approved by the Department. Buffers shall be maintained along the perimeter of Fish and Wildlife Habitat Conservation Areas, as outlined in the table above. Refuse, garbage, or debris shall not be placed in the buffers or on the beach.
- (3) **Determining Lot Depth:** Areas inundated with water are not included in the calculation for lot depth, therefore the measurement may be taken from the OHWM. For lots with varying lot depth, the average depth may be used.

- (4) **Habitat Management Plans:** The provisions of the Critical Area Ordinance (BMC 20.14.740) relating to Habitat Management Plans may reduce the width of a shoreline buffer to no less than ten (10) feet provided enhancement features are installed that will provide a greater habitat function than the prescribed buffer would.
- (5) **Setback and Buffer Averaging:** The Director may grant modifications to the Fish and Wildlife Habitat Conservation Area buffer and setbacks required provided:
- (i) Sixty (60%) percent or more of like structures along the shoreline within the same numbered block as the subject property are setback less than the required buffer/setback required by the SMP. The average of the like structures may be used as a modified buffer for the proposal; and
 - (ii) In addition to the buffer, a minimum of a 5' setback shall be required for the structure; and
 - (iii) No new structure may have a buffer of less than ten (10') feet.
- (6) **Fences:** Fences are allowed to be erected in the side yard abutting the fish and wildlife conservation area buffer, but are prohibited within the buffer. Fences may also be erected upland of the buffer including within the shoreline setback area. General development standards for fences are located in BMC 20.44.020. Guardrails may be erected in association with pedestrian access areas provided they do not function as a fence and comply with the International Building Code.

~~(e) **Stormwater:** The provisions of the Critical Area Ordinance (BMC 20.14.730(d)(6)) relating to Stormwater Management shall apply within shoreline jurisdiction only to buffers of 100 feet or greater width.~~

- (d) **Exemptions:** The following development activities are not subject to fish and wildlife habitat area buffers and setbacks, provided they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions, and further provided that they comply with all the applicable regulations in BMC Title 20 and this Program:
- (1) Those portions of an approved water-oriented development that require a location waterward of the ordinary high water mark, and/or within their associated buffers and setbacks;
 - (2) Development activities on lots that are physically and functionally separated from shoreline by an improved paved public or private road or railroad or similar facility and/or by one or more existing developed lots under separate ownership such that the ecological functions provided by buffers do not occur. This provision shall not apply to such a facility within a development proposal or contiguous ownership that can be feasibly relocated to accommodate buffers.
 - (3) Underground utilities;
 - (4) Modifications to existing development that are necessary to comply with environmental requirements of any agency when otherwise consistent with this Program, provided that the City determines that:

- (i) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended; and
 - (ii) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible; and
 - (iii) The modification is in conformance with the provisions for non-conforming development and uses.
- (5) Roads, railways, and other essential public facilities that must cross shorelines and are necessary to access approved water-dependent development uses are subject to development standards in Chapter 8, section 090.
- (6) Stairs, ADA ramps, and walkways not greater than 5 feet in width or 18 inches in height above grade, not including railings.
- (7) Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents and where appropriate easements or other legal instruments have been executed providing for ingress and egress to the facility