

November 1, 2018

City of Monroe  
Department of Community Development  
806 West Main St  
Monroe, WA 98272

## **Re: Shoreline Compliance Narrative for River's Edge**

The following narrative is intended to accompany the Shoreline Permit Application for the River's Edge project. It outlines the reasons why this project requires a shoreline substantial development permit and shoreline variance permit, and describes how the proposed project is consistent with the policies and regulations of the City of Monroe Shoreline Master Program (SMP).

### **Site Description**

River's Edge WA LLP, hereafter referred to as 'the applicant' is proposing to construct new apartment buildings within an industrial site consisting of six tax parcels, in the city limits of Monroe, Washington. The development will end a legacy of industrial use in the vicinity of Woods Creek, a regulated shoreline of the state. At present, the subject parcels (Snohomish County tax parcels 00465000001100, 27070600302300, 27070600303300, 27070600300500, 27070600300600, and 27070600300700) are used as heavy machinery and commercial vehicle storage.

Woods Creek and the steep slopes that form the river's banks are the only critical areas observed on or in the vicinity of the property. No wetlands or other aquatic features were observed. Woods Creek is a shoreline of the state and provides documented spawning habitat for several sensitive aquatic species. All development within 200 feet of the ordinary high water mark (OHWM) of Woods Creek must comply with the SMP.

### **Project Description**

The applicant proposes to demolish existing structures, identify and remove contaminants related to the legacy of industrial use, grade/prepare the site, and construct several multi-family buildings. The proposal includes access, parking, connection to existing utilities, a stormwater plan, and a pedestrian access trail. A compensatory mitigation plan has been designed to offset impacts to shorelines/critical areas resulting from the project.

A significant portion of the proposed development occurs within 200 feet of the OHWM of Woods Creek, which is the required setback for Woods Creek, pursuant to SMP Chapter 2, subsection D. *Site Development Standards*. The project requires a shoreline substantial development permit due to

proposed development in the shoreline (200 feet from the OHWM of Woods Creek). The project requires a variance because development is proposed within the buffer/setback of Woods Creek.

Although development is proposed within the buffer/setback of Woods Creek, it will occur in the historically disturbed gravel area of the site (with the exception of a pedestrian trail to access the shoreline). The applicant asserts that this project meets shoreline variance criteria due to the significant ecological benefits that are expected to occur relative to the existing condition of the site, and also relative to the likely future use of the site if the variance is denied. The proposal includes removal of approximately 1,900 cubic yards (~19,600 square feet in area) of contaminated soil, vegetation enhancement of the hillslope located between the historically disturbed area and the OHWM of Woods Creek, restoration of 15,513 square feet of gravel within the historically disturbed area, installation of a split-rail fence, and a stormwater plan that significantly improves water quality relative to the existing condition.

Enhancement of the hillslope includes removal of industrial waste, control of invasive species, and re-planting with native vegetation throughout an approximately 51,000 square-foot area. Restoration of the historically disturbed area includes gravel removal, decompaction, and installation of native plants within a 15,513 square-foot area at the top of the hillslope. The proposed split-rail fence will be installed along the entire perimeter of the hillslope (with the exception of the trail access point), and will also encompass the 15,513 square-foot restoration area located at the top of the hillslope. Clean-up of contaminants in the historically disturbed portion of the site will be based on recommendations made in the Excavated Materials Management Plan (EMMP) prepared for this project by Landau Associates.

## **Shoreline Variance Compliance**

The City of Monroe shoreline permit application process specifically requires compliance with Monroe Municipal Code (MMC) section 19.01.120(B). The proposed project meets all MMC criteria. The following narrative re-states relevant code citations (*italicized, indented text*), which are immediately followed by the applicant's response (*normal font, justified*).

*1. Variances should be granted in a circumstance where denial of the permit will not thwart the policy enumerated in the Shoreline Management Act or the Master Program. In all instances, extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.*

As previously stated, the project requires a shoreline variance due to proposed development occurring within the 200-foot setback from Woods Creek. In recognizing that the SMP is intended to preserve the resources and ecology of shorelines, and to provide long-term benefits, it is relevant to discuss the merits of this project relative to the existing condition, and also relative to the probable future use of the site (if a variance is denied).

The site is currently used as a parking and storage area for commercial vehicles and equipment, which introduce a variety of toxicants to the ground surface (i.e. diesel, lubricants, hydraulic fluids, coolant, brake dust, metal shavings, and rubber). Stormwater generally flows east across the site as sheetflow, entering one of several natural low points and draining down a steep slope through approximately 30 to 50 feet of native vegetation before meeting Woods Creek. This means that untreated stormwater draining from pollution-generating surfaces flows directly (without detention) to a highly ecologically productive reach of Woods Creek.

The proposed residential use will result in the removal of industrial waste and contaminants from the site, the control of invasive species on the hillslope, and will restore a portion of the historically disturbed gravel area. Significantly, it will also provide a stormwater plan that complies with the current Ecology stormwater manual. The plan routes stormwater from pollution-generating surfaces (parking areas) to an infiltration vault, where it will be tied into the existing stormwater drainage system.

The proposed project will result in functional ecological improvements and better protection of resources than the existing condition. The existing condition impairs resources and functions, and provides no long-term benefits. If a variance is not issued for this property, (and alternate uses would only be allowed within the irregularly-shaped 2 acres located outside of the 200-foot setback), it is expected that the current use of the site would likely continue without improvements. For these reasons, strict implementation of the SMP (a required 200-foot setback in this case) would thwart the policies of the Shoreline Management Act (SMA) by providing a strong incentive to maintain the existing use of the site. The applicant asserts that the variance request for this project is consistent with the goals of the SMP, and should be allowed.

*2. Variances for development that will be located landward of the ordinary high water mark may be authorized, provided the applicant can demonstrate all of the following:*

*a. That the strict application of the bulk, dimensional, or performance standards as set forth in the Master Program precludes or significantly interferes with a reasonable permitted use of the property.*

Strict application of the bulk standards would require proposed development to occur outside of 200 feet from the OHWM of Woods Creek. The subject properties total 7.17 acres, with 5.07 acres located within 200 feet of Woods Creek. This leaves an irregularly-shaped 2.1 developable acres outside of the setback. The subject property will not be developed if strict application of the standards is enforced.

*b. That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the Master Program and not, for example, from deed restrictions or the applicant's own actions.*

The difficulty in redeveloping the subject property is related to the encumbrance by Woods Creek relative to the shape and size of the assemblage. No deed restrictions are known, and the applicant's own actions have not created this hardship.

*c. That the design of the project will be compatible with other permitted activities in the area and not cause adverse effects to adjacent properties or the shoreline environment designation.*

Multi-family development is a permitted use in the shoreline environment designation (High Intensity). Redevelopment of the site is not expected to cause adverse effects to adjacent properties.

*e. That the variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.*

The variance is sought to redevelop a site for residential use. Several properties in the area are developed with residential structures within 200 feet of Woods Creek. This project does not constitute a grant of special privilege. The project has been sited within the footprint of historic disturbance, and is the minimum necessary to afford relief.

*f. That the public interest will suffer no substantial detrimental effect.*

The public interest will benefit directly from the addition of affordable residential units, and indirectly by improving ecological functions along a high-value stream system.

*3. Variances for development that will be located waterward of the ordinary high water mark may be authorized, provided the applicant can demonstrate all of the criteria specified above; and provided, that the applicant can demonstrate that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.*

Not applicable. No development is proposed waterward of the OHWM of Woods Creek.

*4. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.*

South of E McDougall Street, the residential neighborhood is built-out. Several townhouses were built adjacent to the west of the subject property. It is unlikely that additional requests or like actions will be made, based on the level of development in surrounding areas.

*5. Variances from the use regulations of this Master Program are prohibited.*

Residential development is a permitted use in the High Intensity shoreline environment designation (SMP Chapter 2, subsection C). This proposal complies with the use regulations of the SMP.

## **Shoreline Use Activity Policies and Regulations Compliance**

The SMP describes general policies and specific regulations for the range of allowed uses/activities in shoreline jurisdiction. The following narrative describes SMP compliance for all policies and regulations that relate to the proposed project. The Residential Development subsection of the SMP applies because the primary use is multi-family residential. The Utilities and Parking subsections apply because the proposal includes utility connections and parking space. Due to the proximity to Woods Creek and the potential for impacts, the Vegetation Conservation, Water Quality, and Environmental Impacts subsections apply to this project. Due to access requirements for multi-family development, the Public Access subsection applies to this project.

The following Policies and Regulations subsections of the SMP will be addressed in this narrative:

- Environmental Impacts (Chapter 3, Section E)
- Parking (Chapter 3, Section G)
- Public Access (Chapter 3, Section H)
- Utilities (Chapter 3, Section K)
- Vegetation Conservation (Chapter 3, Section L)
- Water Quality (Chapter 3, Section M)
- Residential Development (Chapter 5, Section G)

## **Environmental Impacts**

The following policies and regulations are requirements of the City of Monroe SMP. They exist for the purpose of assessing potential environmental impacts related to the proposed development. All SMP policies and regulations are provided in indented, italicized font. The applicant's response immediately follows (normal font, justified).

## **Policies**

*1. In implementing this Shoreline Master Program, the City will take necessary steps to ensure compliance with Chapter 43.21 RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.*

A SEPA checklist has been prepared that demonstrates compliance with Chapter 43.21 RCW of the Washington State Environmental Policy Act of 1971.

*2. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible, according to the sequence described under regulation number 4 of this section.*

The site is currently used for commercial vehicle and equipment storage, and is covered with 5/8” gravel. Runoff drains directly to Woods Creek via sheet flow through natural drainage corridors. The proposed development will reduce the intensity of land use, the total area of impervious surfaces, erosion on the bank of Woods Creek, will provide appropriate stormwater drainage, and will improve the quality of naturally vegetated areas in the vicinity of Woods Creek. Overall, the proposed project will improve the ecological function of the site.

*3. It is the policy of the City of Monroe to achieve “no net loss” of ecological functions consistent with WAC 173-26-201(2)(c).*

The proposed project will achieve no net loss of ecological functions by removing contaminants from the soil (based on the Excavated Materials Management Plan prepared by Landau Associates), and through restoration of a portion of the existing gravel surface, construction of an appropriate stormwater system, removal of invasive species from the hillslope adjacent to Woods Creek, and replanting with native vegetation.

## **Regulations**

*1. All project proposals within shoreline jurisdiction, including those for which a shoreline permit is not required, shall comply with Chapter 43.21c RCW, the Washington State Environmental Policy Act.*

A SEPA checklist has been prepared that demonstrates compliance with Chapter 43.21 RCW of the Washington State Environmental Policy Act of 1971.

*2. Projects that cause significant ecological impacts, as defined in Chapter 8 (Definitions), are not allowed unless mitigated according to the sequence in Item 4 below to avoid reduction or damage to ecosystem-wide processes and ecological functions.*

The proposed action will not create a significant ecological impact; all development is proposed in disturbed areas. Additionally, proposed mitigation will improve overall ecological functions as demonstrated in the *Critical Area Study and Restoration Plan* prepared for this project.

*3. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be mitigated according to the sequence in Item 4 below.*

The proposed project will not cause significant adverse impacts relative to the existing condition.

*4. When applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:*

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;*
- b. 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;*
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;*

- d. Reducing or eliminating the impact over time by preservation and maintenance operations;*
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;*  
*and*
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.*

Not applicable. No significant adverse impacts or significant ecological impacts are proposed.

*5. The City will set mitigation requirements or permit conditions based on impacts identified. In determining appropriate mitigation measures, avoidance of impacts by means such as relocating or redesigning the proposed development will be applied first. Lower priority measures will be applied only after higher priority measures are demonstrated to be not feasible or not applicable. When critical areas are impacted, mitigation will be designed consistent with the Critical Areas Regulations, MMC 20.05, as adapted as part of this Shoreline Master Program and included in Appendix A.*

Avoidance has been achieved by placing new development in the footprint of the historically disturbed area. Impacts outside of this area are limited to the development of a pedestrian access trail to the shore of Woods Creek. Proposed mitigation is intended to improve ecological function beyond what is impacted through redevelopment.

*6. All shoreline development shall be located and constructed to avoid significant adverse impacts to human health and safety.*

The proposed development footprint occurs in a historically disturbed area, and will have no significant adverse impacts on human health and safety.

*7. Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and will not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.*

The proposed project will achieve no net loss through mitigation sequencing primarily by siting development within a historically disturbed area. To ensure no net loss, contaminated materials will be removed from the site, a portion of the gravel surface will be restored to native plants, industrial waste will be removed, stormwater will be managed according to current standards, a split-rail fence will be installed along the edge of vegetation, and aggressive non-native species will be removed in the vicinity of Woods Creek.

*8. 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 or conditions as necessary to ensure no net loss of ecological functions.*

Mitigation will be located in the immediate vicinity of impacted functions. Shoreline restoration and enhancement is proposed as mitigation for this development.

## **Parking**

The following policies and regulations are requirements of the City of Monroe SMP. They exist for the purpose of assessing potential impacts related to parking (that is accessory to residential

development). All SMP policies and regulations are provided in indented, italicized font. The applicant's response immediately follows (normal font, justified).

## **Policies**

*1. Parking in shoreline areas should be allowed only if it directly serves a permitted shoreline use.*

Parking is proposed in shoreline areas. It is provided to serve multi-family residential development, which is a permitted shoreline use.

*2. Parking facilities should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access and vegetation and habitat maintenance.*

Parking will be located in areas currently covered by compacted gravel that are used for vehicle storage. Parking will result in removal of one 13-inch DBH tree, which is located in the historically disturbed area. No other impacts to vegetation, habitat, visual qualities, or public access are expected to occur. Stormwater will be routed to an infiltration vault, which ties into an existing City storm pipe. The vault will allow pollutants to filter out of the water, and will control the rate at which water flows to Woods Creek.

*3. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).*

Parking will serve multi-family residential use, which is needed at all times, every day. No other uses will be served.

*4. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.*

Parking is located outside of shoreline jurisdiction where possible for this project. Encroachment into shoreline areas is unavoidable, but will be located over existing compacted gravel.

## **Regulations**

*1. Parking as a primary use shall be prohibited within the shoreline jurisdiction.*

Residential use is the primary use. Parking is incidental to the primary use.

*2. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use.*

Parking will directly serve the multi-family residential development on the site, which is a permitted use.

*3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall consist of native vegetation and plant materials approved by the City and be planted before completion of the parking area in such a manner that plantings provide effective screening within three years of project completion.*

Proposed mitigation includes native planting that will perform a screening function. Furthermore, proposed structures are located between Woods Creek and proposed parking areas, which will provide additional screening. Mitigation planting will occur concurrently with construction.

*4. Parking facilities serving individual buildings located on parcels that are contiguous with shoreline waterbodies shall be located landward from the principal building being served, EXCEPT when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.*

All parking facilities are located landward of the principal buildings being served.

*5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.*

Not applicable. Parking facilities do not directly support shoreline activities.

*6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, using best available technologies and include a maintenance program that will assure proper functioning of such facilities over time.*

The proposed stormwater plan has been designed using the currently adopted Ecology Stormwater Manual. This approach is expected to provide adequate facilities to prevent surface water runoff from contaminating Woods Creek. Stormwater will be directed to an infiltration vault, which ties into City storm infrastructure and outlets directly to Woods Creek. The aforementioned facilities will include a maintenance program that will assure proper function of the facilities over time.

## **Public Access**

The following policies and regulations are requirements of the City of Monroe SMP. They exist for the purpose of defining public access requirements related to the proposed development. All SMP policies and regulations are provided in indented, italicized font. The applicant's response immediately follows (normal font, justified).

### **Policies**

*1. Development, uses, and activities on or near the shoreline should not impair or detract from the public's visual access to the water.*

No public access or visual access to the water currently exists within the subject properties. Redevelopment will not impair or detract from the public's visual access relative to the existing condition.

*2. Public views from the shoreline and upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of vegetation that partially impairs views.*

In the vicinity of the project, public views are limited to the Simons Road bridge that provides access to Al Borlin Park. No changes are proposed.

*3. Visual access should be maintained, enhanced, and preserved on shoreline street ends, public utilities, and rights-of-way.*

No alterations to visual access are proposed on shoreline street ends, public utilities, or rights-of-way.

*4. Public access should be provided as indicated in the City of Monroe Parks, Recreation and Open Space Plan (as amended) as long as those public access and park development measures are consistent with the provisions of this Shoreline Master Program.*

The City of Monroe Parks, Recreation and Open Space Plan generally describes policies to guide land use decisions for publicly owned properties. The subject property is privately owned, and will not provide explicit public access.

*5. Through capital improvements and other measures, the City will continue to enhance opportunities for the public to enjoy the shorelines within Shoreline Management Act jurisdiction.*

Not applicable. No capital improvements are proposed.

6. *The City will take measures to preserve and enhance the public access to the Skykomish River, Woods Creek, and the Tye Stormwater Facility and provide public access to all Monroe shorelines, where appropriate.*

Not applicable. The proposed project is privately funded, and does not propose new limitations on Monroe shorelines.

7. *The City will encourage inclusion on Monroe shoreline public access points in the City's non-motorized transportation plan.*

Noted.

8. *The City will require that new public areas have adequate parking, located outside shoreline jurisdiction, where feasible.*

The proposed development includes pedestrian access to Woods Creek. Although the trail does not exclude public use, it does not include parking areas specifically dedicated for use by the public.

9. *Public access should be considered in the review of all private and public developments (including land division) with the exception of single lot development and short plats.*

The proposed development includes pedestrian access to Woods Creek, which may be used by the public. No improvements specifically designed for use by the public are proposed.

10. *Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.*

The pedestrian trail will terminate in the vicinity of the OHWM of Woods Creek, and will be designed in accordance with the Americans with Disabilities Act.

11. *The public's opportunities to enjoy the physical and aesthetic qualities of the shorelines should be enhanced on public properties.*

Not applicable. The subject property is privately owned.

12. *Public informational and educational displays to enhance the public's appreciation and enjoyment of the shorelines are encouraged.*

No informational or educational displays are proposed.

## **Regulations**

1. *Development, uses and activities on public lands shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's physical access to the water and shorelines, unless such access would cause ecological impacts.*

Not applicable. The proposed is privately owned.

2. *Public access provided by shoreline street ends, public utilities, rights-of-way, and other public lands shall not be diminished. RCW 35.79.035 and RCW 36.87.130 restrict the City from vacating right-of-way which abuts on a body of fresh water unless the purpose of the vacation is to enable the public authority to acquire the vacated property for boat launching sites, or for park, viewpoint, recreational, and educational or other public purposes.*

Not applicable. This project does not affect existing public access; no changes to shoreline street ends, public utilities, rights-of-way, or other public lands are proposed.

3. *Shoreline development, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual access to the water and shorelines, except that vegetation conservation and shoreline restoration activities may intrude into view corridors where necessary to protect or restore ecological functions. The City may require the development proposal to be relocated or reconfigured to reduce view blockage.*

The proposed development does not block, reduce, or interfere with existing public visual access to the water or shorelines.

4. *Public lands, such as street ends, rights-of-way, and utilities, shall provide, maintain, enhance, and preserve visual access to the water and shoreline in accordance with RCW 35.79.035 and RCW 36.87.130.*

Not applicable. The project occurs entirely within privately owned land.

5. *Development on the water shall be constructed of non-reflective materials that are compatible in terms of color and texture with the surrounding area.*

Not applicable. No development is proposed on the water.

6. *The dedication and improvement of public access shall be required as part of developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access is required, except:*

a. *Where the City determines that more effective public access can be provided through other means.*

The pedestrian access trail can be used by the public to access the water. Al Borlin Park, located adjacent to the subject property, provides more effective public access to Woods Creek; the park has a beach area, parking lot, picnic tables, river frontage, and signs.

b. *Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.*

*In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the City will consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.*

Pedestrian access is possible via the proposed trail. As previously stated, Al Borlin Park is a more suitable site for improved shoreline access.

c. *For individual single-family residences not part of a development planned for more than four parcels.*

The proposed development is part of a development planned for more than four parcels.

7. *The City will work with project proponents to ensure that public access policies and priorities are implemented, especially in ensuring that the opportunities for continuous trails, linear parks and reclamation areas are not lost.*

Noted.

8. *Shoreline development by public entities, including local governments, state agencies, and public utility districts, shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment or where the City determines that a more effective public access system can be achieved through alternate means, such as focusing public access at the most desirable locations.*

Not applicable. The project proponent is a private company.

## Utilities

The following policies and regulations are requirements of the City of Monroe SMP. They exist for the purpose of assessing potential environmental impacts related to utility service for the proposed development. All SMP policies and regulations are provided in indented, italicized font. The applicant's response immediately follows (normal font, justified).

### Policies

*1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation.*

Utilities will be installed according to the International Building Code, in compliance with all City of Monroe development standards. Water contamination and degradation are not expected to occur.

*2. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.*

Utility facilities and rights of way will be located outside of the shoreline area where possible. Utility lines in the shoreline location will be placed underground.

*3. Accessory utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.*

No development is proposed in the natural landscape; the development area is historically disturbed.

### Regulations

*1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.*

Pipelines and cables will be placed underground within the shoreline area, except where it is not feasible. No water crossings are necessary.

*2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple use of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.*

Not applicable. No accessory utility development will require clearing in the shoreline area.

*3. Accessory utility facilities should be located so as to avoid the need for bank stabilization structures, whenever feasible.*

Accessory utility structures are located away from the steep banks at the southern end of the site and will therefore not require bank stabilization structures.

*4. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and to assure no net loss of ecological functions.*

Utility areas will be stabilized during and following construction. As previously mentioned, the implementation of stormwater facilities will improve the ecological function of the site.

## Vegetation Conservation

The following policies and regulations are requirements of the City of Monroe SMP. They exist for the purpose of assessing potential impacts related to vegetation removal. All SMP policies and regulations are provided in indented, italicized font. The applicant's response immediately follows (normal font, justified).

### Policies

*1. It is the policy of this Shoreline Master Program that vegetation within the City shoreline areas be enhanced over time to provide a greater level of ecological functions, human safety and property protection. To this end, shoreline management activities, including the provisions and implementation of this Shoreline Master Program, are based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline.*

Much of the shoreline vegetation within the subject property is dominated by invasive species. As part of the proposed mitigation for this site, invasive species will be removed and replaced with desirable native species. Additionally, gravel removal, decompaction, and native planting is proposed in historically disturbed areas. This plan is expected to significantly improve ecological functions relative to the existing condition.

*2. This Shoreline Master Program in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.*

Vegetation within the shoreline will be restored, as previously mentioned, by the removal and replacement of invasive species in the buffer area. The buffer will be protected by split-rail fencing and demarcated with critical area signage.

*3. The restoration of vegetation should be a condition of all development that causes significant vegetation removal and nonwater dependent development within shoreline areas where vegetation has been degraded from a natural state.*

All development will occur within a historically disturbed area, with the exception of the proposed pedestrian access trails. The pedestrian access trails will be located in the eastern portion of the property. Approximately 4,944 square feet of clearing is necessary to accommodate the trails. The trail path primarily consists of bare earth, gravel, or Japanese knotweed. Approximately 1,000 square feet of impact to native vegetation is necessary. Creating this trail within the shoreline will not cause significant vegetation removal, and will not adversely affect shoreline vegetation. Proposed restoration will more than offset necessary vegetation removal.

*4. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to arrest the processes of erosion, sedimentation and flooding.*

The proposed development will result in contaminated soil removal, industrial debris removal, and an improved stormwater system. This project will further restore degraded shorelines through installation of native plants. This proposal will limit erosion, sedimentation and flooding by design.

*5. Aquatic weed management should stress prevention first. 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. Proposals to apply aquatic herbicides must meet all state requirements.*

Aquatic weeds were not observed in the vicinity of the subject parcel.

## **Regulations**

*1. The creation of new land parcels or lots that would require significant vegetation removal in order to develop is not allowed. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal. The City may make exceptions to this standard for water dependent development and for development in the High Intensity and Tye Stormwater Facility Environments only.*

The proposed development does not involve the creation of new land parcels or lots.

*2. For activities conducted under the Washington State Forest Practices Act, conform to the provision of that Act and this Shoreline Master Program.*

Not applicable. Timber harvest is limited to several trees in the historically disturbed area, and does not trigger Forest Practices permit requirements.

*3. All development, including clearing and grading, shall minimize significant vegetation removal to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing or grading, must provide, as a part of a shoreline permit or a letter of exemption application, a site plan, drawn to scale, indicating extent of the proposed clearing and/or grading. The City may require that the proposed development or extent of clearing and grading be modified to mitigate the impacts to ecological functions.*

Development within the shoreline will be confined to an area of historic disturbance that is almost entirely devoid of vegetation. Approximately 4,944 square feet of clearing is proposed to accommodate an access trail, most of which occurs in areas dominated by invasive species. Additionally, eight trees in the shoreline will be removed as part of the clearing associated with site development. These trees are disparately located throughout the historically disturbed portion of the site. This project is not expected to result in significant vegetation removal.

*4. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which naturally occurs on-site unless the City finds that native plant materials are inappropriate or not hardy in the particular situation.*

Several buffer restoration areas within the shoreline are proposed. The proposed planting plans are intended to match plant diversity and type to that which naturally occurs.

## **Water Quality**

The following policies and regulations are requirements of the City of Monroe SMP. They exist for the purpose of assessing potential impacts related to water quality. All SMP policies and regulations are provided in indented, italicized font. The applicant's response immediately follows (normal font, justified).

## **Policies**

*1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by altering water quality, quantity, or flow characteristics.*

The redevelopment of this site includes a stormwater management system that complies with the current Ecology Stormwater Manual. Currently, stormwater sheetflows across the site and drains down a steep, vegetated slope towards Woods Creek. The proposed plan utilizes an infiltration vault, which will improve water quality, and will deattenuate peak flows from entering Woods Creek. The proposed plan avoids significant ecological impacts.

*2. The City should require reasonable setbacks, buffers, and storm water storage basins to achieve the objective of lessening negative impacts on water quality.*

Noted.

*3. All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality.*

Stream flow works are not a part of the proposed project.

*4. As a general policy, the City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City will implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City of Monroe has a policy of adopting the latest version of the Department of Ecology Stormwater Management Manual for Western Washington to regulate stormwater discharge and management. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.*

The proposed stormwater system adheres to the latest version of the Department of Ecology Stormwater Management Manual for Western Washington. Presently, stormwater generally runs east across the site as sheetflow, follows natural drainage corridors, and flows into Woods Creek (without detention). The proposed plan routes stormwater from pollution-generating surfaces to an infiltration vault, and roof drainage to infiltration trenches. The infiltration vault directs metered flow to the City's existing stormwater infrastructure, which outlets directly to Woods Creek. By regulating flow and increasing the residence time of stormwater, the infiltration vault will allow pollutants to drop out of stormwater before flowing into Woods Creek.

*5. All measures for the treatment of runoff for the purpose of maintaining and/or enhancing water quality should be conducted on-site before shoreline development impacts waters offsite.*

Stormwater treatment (detention) occurs within the subject property.

*6. The above policies apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions should be mitigated.*

Noted.

## Regulations

*1. All shoreline development, both during and after construction, shall avoid or minimize ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that the receiving water quality and shore properties and features are not adversely affected. Control measures include, but are not limited to, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, fugitive dust controls, or best available technologies as directed by the City.*

The proposed stormwater plan will reduce surface runoff by routing stormwater to an infiltration vault or trench. The infiltration vault will control, treat, and release surface water back to Woods Creek more slowly than the existing condition. Water quality and shore properties and features will not be adversely affected.

*2. All development shall adhere to all required setbacks, buffers, and standard in this Shoreline Master Program. (Refer to Shoreline Use Provisions, Environment Designation Provisions, and the Critical Areas Regulations in Appendix A for specific limits.)*

Development must occur within the required setback and buffer of Woods Creek. Multi-family residential development is an allowed use in the Shoreline Environment Designation, and can be approved if a shoreline variance is issued for the project. The project proponent is applying for a shoreline variance permit.

*3. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this Shoreline Master Program. Where there is a conflict, provisions most protective of the natural ecology shall apply. The City of Monroe adopts the latest version of the Department of Ecology Stormwater Management Manual for Western Washington to regulate stormwater discharge and management.*

The proposed development conforms to all applicable water quality regulations.

*4. The above regulations apply to the Tye Stormwater Facility environment and its associated Aquatic environment only as they are consistent with maintaining the primary purpose of the human-made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future developments within its catchment area. Any loss of ecological functions must be mitigated.*

Not Applicable.

## Residential Development

The following policies and regulations are requirements of the City of Monroe SMP. They exist for the purpose of assessing potential impacts related to residential development. All SMP policies and regulations are provided in indented, italicized font. The applicant's response immediately follows (normal font, justified).

### Policies

*1. Residential development should be permitted only where there are adequate provisions for utilities, circulation, and access.*

Access to the site is already available via S Ann Street and E Fremont Street. Utilities constructed as part of the proposed development will be connected to existing utilities. The project meets circulation and access requirements set forth in the MMC.

*2. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment (WAC 173-26-241(3)(j)).*

Noted. The planned use of the site is multi-family residential. Site design, contaminant removal, and ecological restoration are consistent with pollution prevention of damage to the natural environment.

*3. Residential development should be prohibited in environmentally sensitive areas, including, but not limited to, wetlands, geohazardous areas, floodways, and critical habitats.*

All development is proposed outside of environmentally sensitive areas. Impacts within the 200-foot buffer of Woods Creek are mostly limited to development within an existing footprint. Intrusions into naturally vegetated areas will be mitigated to offset the impact.

*4. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan. New residential development should be designed so as not to cause significant ecological impacts or significant adverse impacts to shoreline aesthetic characteristics, views, and public use of the shoreline and the water.*

The proposed development will be reviewed for consistency with MMC density, lot coverage, and height requirements by City of Monroe staff upon formal submittal. As previously stated, the project will not cause significant ecological impacts or significant adverse impacts to shoreline aesthetic characteristics. No alterations to views, or public use of the shoreline or water are proposed.

*5. Recognizing the single-purpose, irreversible, and space-consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, to protect and restore ecological functions and ecosystem-wide processes, to preserve views, and to minimize use conflicts.*

Proposed development occurs within a historically disturbed area. A portion of this space will remain as open space. Natural buffers will increase in total area and width, and will be restored by decompaction, waste removal, invasive species control, and replanting with native species. No impacts to views or use conflicts are anticipated.

*6. Adequate provisions should be made for protection of groundwater supplies, erosion control, drainage systems, aquatic and wildlife habitat, geohydraulic processes, and open space.*

Protection of groundwater, geohydraulic processes, drainage systems, and erosion control will be achieved by the proposed stormwater plan, which complies with the currently adopted Ecology Stormwater Manual. Protection of aquatic and wildlife habitat will be achieved by the proposed mitigation measures (contaminant removal, restoration/decompaction of gravel surfaces, removal of industrial waste, control of invasive species, and replanting with native vegetation). Open space is proposed in accordance with MMC requirements.

*7. New multiunit residential development, including duplexes, fourplexes, and the subdivision of land for more than four parcels, should provide community and/or public access in conformance with Chapter 3, Section H of this Shoreline Master Program.*

A pedestrian access trail to Woods Creek is proposed as part of this work. SMP compliance related to public access is described in this narrative (above).

*8. New residential development should be located and designed so as to not cause significant adverse impacts to or result in the displacement of other nearby shoreline uses, including recreational uses.*

The subject property is used for vehicle storage, and is covered in gravel. The proposal will not result in the displacement of any shoreline uses.

*9. New residential development should be located and designed so as to minimize conflicts or incompatibilities with water-oriented uses. Residential development should not be allowed where occupants would be exposed to noise, bright lights, or other necessary impacts of water development uses, such as industrial activities.*

There are currently no water-oriented uses within the vicinity of the project parcel. As such, the planned residential development will not conflict with water-oriented uses of Woods Creek. Residents will not be exposed to noise, bright lights, or other adverse impacts of water development uses.

*10. Appurtenances should be located landward of the principal residence.*

The primary residential structures are located along the edge of historic disturbance. All appurtenances are located between Woods Creek and proposed residences.

*11. New residences should be designed and located so that shoreline armoring or structural erosion control measures will not be necessary to protect the structure.*

The planned development is set back far enough from the shoreline on compacted level ground so as to prevent any erosion or degradation of the shoreline.

*12. When demonstrated to be necessary, shoreline stabilization measures should be designed and located to avoid or minimize adverse impacts. Replacement shoreline stabilization structures should be designed to minimize ecological impacts.*

Shoreline stabilization measures are not proposed for this development.

*13. The creation of new residential lots should not be allowed unless it is demonstrated that the lots can be developed with no net loss to ecological functions.*

Proposed development occurs almost exclusively in historically disturbed areas. Proposed mitigation (contaminated soil removal, industrial debris removal, invasive species control, restoration of gravel areas, native vegetation planting, and an exclusionary split-rail fence) will significantly improve ecological functions within the site. No net loss of ecological functions is expected to occur related to this proposal.

*14. The application of non-organic chemicals, including fertilizers, herbicides and pesticides, within shoreline jurisdiction is discouraged.*

Fertilizers and herbicides will be used to control the aggressive non-native species Japanese knotweed. Herbicides will be applied directly to the stem of the knotweed by a licensed applicator, to prevent runoff into Woods Creek and the surrounding vegetation. Fertilizers must be added where gravel surfaces are removed and replaced with native plants.

## Regulations

1. Applications for residential development shall include the following information:
  - a. Size, location, dimensions, predominant materials, and method of construction (e.g., wood frame, poured-in-place concrete, driven short piles) for all structures:
  - b. Existing trees over 6-inch caliper proposed for removal.
  - c. Expected amount of earthwork, clearing, and grading.
  - d. Location and extent of paved or gravel surfaces.
  - e. Character and extent of existing vegetation and proposed vegetation restoration/landscaping plans.
  - f. If shoreline stabilization measures are involved, a geotechnical report consistent with Section C, Chapter 4 of this Shoreline Master Program.

The site plan and geotechnical report depict and describe all of the above required elements.

2. All residential development shall meet the provisions of this Shoreline Master Program. In order to implement the objectives of the Shoreline Management Act, RCW 90.58.020, the City shall review development proposals for such actions. Persons intending to carry out the types of single-family development described above shall apply for a “letter of exemption,” as described in the administrative provisions of Chapter 19.01 of the Monroe Municipal Code. The application for the letter of exemption shall describe the information required in Regulation 1 of this section.

Not applicable. This project does not include single-family residential development.

3. Residential development is prohibited within floodways, channel migration zones, wetlands, critical wildlife habitats, and other hazardous areas, such as steep slopes and areas with unstable soils or geologic conditions.

Residential development is not proposed within floodways, channel migration zones, wetlands, critical wildlife habitat, or other hazardous areas.

4. New residential development shall comply with the standards for building height, lot coverage, setbacks, and buffers as outlined in Chapter 2.D, Site Development Standards, and the Critical Areas Regulations (Appendix A). The City of Monroe has a policy of adopting the latest version of the Department of Ecology Stormwater Management Manual for Western Washington to regulate stormwater discharge and management. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.

Proposed development complies with all bulk and dimensional standards. Development is proposed within 200 feet of Woods Creek, which triggers the variance requirement.

5. Appurtenances, as defined in this Shoreline Master Program consistent with Chapter 173-27 WAC, shall be subject to the same conditions as primary residences, except that for the protection of human health and safety and ecological functions further restrictions may apply.

All appurtenances comply with SMP policies and regulations.

6. Accessory uses that are not appurtenant structures shall be reasonable in size and purpose and compatible with on-site and adjacent structures, uses, and natural features. Accessory structures that are not water-dependent are not permitted waterward of the principal residence unless there is a compelling reason to the contrary. Accessory and appurtenant structures should not be located within shoreline buffers to assure that buffer integrity is maintained.

Accessory uses are limited to two proposed pedestrian access trails in the shoreline buffer, which are reasonable in size and purpose, and are compatible with structures, uses, and natural features.

Creation of pedestrian access trails will require the clearing of approximately 4,944 square feet of the project area within the shoreline. The majority of the trail area is already cleared due to historic use, or vegetated with invasive Japanese knotweed.

*7. Subdivisions and planned unit developments of five or more waterfront lots/units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of 25 feet in width and shall be in compliance with public access standards contained herein.*

Not applicable. The proposed development does not create five or more waterfront lots.

*8. Residences, appurtenances, and accessory structures shall not be located in required view corridors.*

No required view corridors are known. This project does not impact existing view corridors.

*9. The creation of new lots shall be prohibited unless all of the following can be demonstrated.*

*a. A primary residence can be built on each new lot without any of the following being necessary:*

*i. New structural shoreline stabilization.*

*ii. New development or clearing and grading that does not meet vegetation conservation standards in Section C, Chapter 3.*

*iii. New structures in the required shoreline setback, geohazardous areas, wetland, required wetland buffer, critical habitat, or critical habitat buffer (see Appendix A for Critical Areas Regulations).*

*iv. Causing significant erosion or reduction in slope stability.*

*v. Causing increased flood or geological hazard in the new development or to other properties.*

*b. Adequate sewer, water, access, and utilities can be provided.*

*c. The intensity and type of development is consistent with the City comprehensive plan and development regulations.*

*d. Potential adverse environmental impacts (including ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to development and potential cumulative impacts to the environment.*

*e. The proposed development is consistent with other development standards outlined in Chapter 2, Section D (Site Development Standards).*

Not applicable. The proposed development does not create new lots.

## **Conclusion**

As discussed throughout this memo, this project will redevelop a historically disturbed site for multi-family residential use. The project requires a shoreline variance due to encroachment into the 200-foot buffer/setback from Woods Creek. In exchange for granting the variance, the applicant proposes to remove contaminants from the soil in the historically disturbed portion of the site, industrial waste and aggressive non-native vegetation from the hillslope, and to restore a portion of the historically disturbed area to native species. A split-rail fence will be installed to limit human intrusion into the vegetated buffer of Woods Creek. BMPs will be used throughout all phases of development to protect water quality and natural resources. Impacts to native vegetation will be limited to the construction and maintenance of a pedestrian trail to access and view Woods Creek. No modifications to public access are proposed.