

**APPENDIX C –  
Mitigation and Restoration for Redevelopment Activities  
in the  
High Intensity Shoreline Environment Designation**

September 3, 2021



Shoreline redevelopment, as defined in this Master Plan, shall be designed and conducted in a manner that protects the current ecological condition of the shoreline, and prevents or mitigates adverse impacts, while encouraging revitalization and improvements within the City's waterfront areas. Redevelopment proposals shall preserve existing native habitat and shoreline functions to the maximum extent feasible, and shoreline restoration may be required for redevelopment within the shoreline buffer.

**A. Applicability.**

The provisions of this Appendix must be referenced in conjunction with other requirements of this Master Program and with other city policies and regulations. If a conflict appears to exist between this Appendix and another section of this Master Program or other city policies or regulations, the redevelopment proposal shall comply with the more stringent requirement, unless otherwise indicated herein.

**B. Mitigation Sequencing**

1. When redevelopment is proposed that could result in adverse impacts to the shoreline, mitigation measures shall be applied in the following sequence of steps, listed in order of priority:
  - a. Avoid the impact altogether by not taking a certain action or parts of an action;
  - b. Minimize 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. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
  - d. Reduce or eliminate the impact over time by preservation and maintenance operations;
  - e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
  - f. Monitor the impact and the mitigation projects, and take appropriate corrective measures.
2. Application of the mitigation sequence shall achieve no net loss of ecological functions for each redevelopment proposal.
3. After mitigation sequencing is applied in accordance with 1. and 2. above, compensatory mitigation selection shall be guided by the following sections of this Appendix.
4. Failure to demonstrate that the mitigation sequencing standards have been met may result in permit denial, or the city may restrict or reduce development or uses, or impose additional conditions.

### **C. Mitigation Standards**

1. Some redevelopment projects may result in multiple types of impacts to shoreline ecological functions, each of which may require compensatory mitigation.
2. Mitigation is not required outside of the standard shoreline buffer established for the relevant use and shoreline environment in Table 7.2 of this Master Program, unless the redevelopment impact is to aquatic lands, critical saltwater or freshwater habitat, or water quality. All other requirements of this Master Plan are applicable to the site, as are all other applicable city policies and regulations, including but not limited to, the land use and zoning code, critical areas ordinance, stormwater regulations, clearing and grading ordinance, and permit requirements.
3. A Shoreline Mitigation Plan shall be prepared for any redevelopment project that will result in adverse impacts to the shoreline, including removal of native vegetation within the shoreline buffer. If the project will also involve restoration, a combined Shoreline Mitigation and Restoration Plan may be submitted by the applicant.
4. Shoreline Mitigation Plans shall be prepared using site-specific data according to the requirements of WAC 173-26-201(2)(e) and WAC 197-11-660, to ensure no net loss of shoreline habitat values and functions or impacts to priority species. If critical areas will be impacted, the applicable requirements of the city's critical areas ordinance shall also be addressed in the mitigation plan.
5. Mitigation plantings or other mitigation options shall occur adjacent and parallel to the ordinary high water mark of the shoreline as a first preference. Depending on site conditions, mitigation may be allowed away from the shoreline edge, if the actions are replacing in-kind functions and would achieve greater ecological benefit.
6. All mitigation activities shall protect the integrity of adjacent natural resources, including critical areas, aquatic habitats and water quality, and shall be compatible with adjacent shoreline uses.
7. Removal of vegetation within a shoreline buffer shall comply with the following replacement ratios based on the area measurement of the vegetation to be removed, unless an alternative proposal can be demonstrated to have greater ecological benefit:
  - a. Removal of grass/lawn: 1:1 replacement with native vegetation.
  - b. Removal of non-native landscaping (groundcover other than lawn, shrubs, trees): 2:1 replacement with native vegetation.
  - c. Removal of native vegetation: 4:1 replacement with native vegetation.

#### **D. Restoration Standards**

1. Restoration of ecological functions and processes shall be carried out in accordance with a city-approved Shoreline Restoration Plan and the requirements of this Master Program. Shoreline Restoration Plans shall be prepared using site-specific data according to the requirements of WAC 173-26-201(2)(e) and WAC 197-11-660, to ensure no net loss of shoreline habitat values and functions or impacts to priority species. If critical areas will be impacted, the applicable requirements of the city's critical areas ordinance shall also be addressed in the restoration plan.
2. All restoration activities shall protect the integrity of adjacent natural resources, including critical areas, aquatic habitats and water quality, and shall be compatible with adjacent shoreline uses.
3. Covered Activities. The following actions, individually or in combination, are allowed under this section:
  - a. Establishment or enhancement of native vegetation;
  - b. Removal of nonnative or invasive plants upland of the ordinary high water mark, or hard or impervious surfaces such as pavement or other existing structures, and replacement with native vegetation.
  - c. Conversion of existing hard structural shoreline stabilization to permitted soft shoreline stabilization, including associated clearing, dredging and filling necessary to implement the conversion; provided, that the primary purpose of such actions is clearly restoration of natural character and the ecological functions of the shoreline and that the actions are consistent with the requirements of this Master Program and this Appendix.

#### **E. Redevelopment Within a Shoreline Buffer (Setback)**

1. Within a shoreline buffer, redevelopment of a site with one or more existing non-water-dependent, legal conforming or nonconforming building(s), or redevelopment of a portion of such building(s), may be allowed subject to the following:
  - a. The shoreline designation of the redevelopment site is High Intensity.
  - b. The redevelopment proposal shall not extend further waterward than the footprint of the existing primary building or the portion of such primary building to be redeveloped. Areas located between existing primary buildings, including planted landscaping and lawn, pavement and similar surface coverage, may be developed if the development will not extend further waterward than the existing primary buildings.
  - c. Any shoreline impacts anticipated to result from the redevelopment shall be subject to mitigation sequencing as provided in this Appendix, and addressed in a Shoreline Mitigation Plan.
  - d. Regardless of whether a Shoreline Mitigation Plan is required, the redevelopment proposal shall include a Shoreline Restoration Plan consistent with subsection C. above and with Section 6.6 (Shoreline Vegetation Conservation) herein that will provide a substantive, measurable improvement to shoreline

conditions within the site or in aquatic areas adjacent to the site, unless the site has an interrupted buffer pursuant to this chapter.

e. The redevelopment proposal shall not result in the loss of public access to the shoreline, including undeveloped easements or right of way.

f. Parking in the shoreline buffer may be allowed in the HI environment for redevelopment projects that (1) contain water-oriented uses (i.e., water-dependent, water-related and/or water-enjoyment uses), and/or (2) include parking areas that are identified on the maps shown in the City's adopted Downtown Subarea Plan, Section 3, 3.2.1 (West Downtown Planning Area) and 3.2.2 (East Downtown Planning Area).

g. Redevelopment within a shoreline buffer is not allowed in areas of special flood hazards as established according to POMC Section 20.170.060, or in geologic hazard areas as defined in POMC Section 20.162.044.

h. All portions of the shoreline buffer that will not be developed shall be maintained or replanted in native vegetation. Removal of existing native vegetation to accommodate development is not allowed within the shoreline buffer unless it is required for the water-related or water-dependent uses and accompanied by mitigation according to this Master Plan.

i. The city may request that the applicant submit studies by qualified professionals, or that a submitted study, impact analysis, and/or shoreline mitigation or restoration plan be peer-reviewed by qualified professionals at the applicant's expense, in order to determine compliance with the mitigation and/or restoration requirements of this Appendix.

j. The redevelopment proposal shall be consistent with other applicable city policies and regulations, including but not limited to the land use and zoning code, critical areas ordinance, stormwater regulations, clearing and grading ordinance, and permit processing requirements.

k. If the applicant is unable or unwilling to comply with subsections a. – j. above, the standard shoreline buffer for the shoreline environment designation of the site shall apply and all new development or redevelopment on the site shall be located outside the shoreline buffer unless otherwise allowed by the Act and this Master Plan.

#### **F. Monitoring and Maintenance of Mitigation and Restoration Activities**

1. Mitigation and restoration activities are subject to the requirements of Section 6.6 – Development Regulations G-DR-33.h. and G-DR-36 of this Master Program.

2. Mitigation and restoration activities that are unpermitted, are inconsistent with an approved mitigation plan or restoration plan, or are not maintained in accordance with subsection 1. above, are subject to enforcement per Chapter 10 of this Master Program.