

# Chapter 6

## *General Shoreline Development Policies and Use Regulations*

### **Introduction**

These general policies and regulations apply to all uses permitted along the shorelines. When these restrictions conflict with other ordinances, the more stringent requirements shall be applicable.

General policies and regulations have been developed for the following:

1. Environmental Impacts
2. Environmentally Sensitive Areas: General
3. Environmentally Sensitive Areas: Floodplains
4. Environmentally Sensitive Areas: Wetlands
5. Public Access

In addition to the general policies and regulations listed above, all proposed developments must comply with the policies for shorelines of statewide significance. Those policies are listed in Chapter 3.

### **Reader's Key**

The following abbreviations and terms are used in this chapter. For ease of reading, a quick definition is provided here. These terms are defined in more detail in the following text and again in the *Definitions* section at the end of this Shoreline Master Program.

<b>Abbreviation</b>	<b>Term</b>	<b>Meaning</b>
AKART -	All Known, Available, and Reasonable methods of prevention, control, and Treatment	The most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge.
BMP	Best Management Practices	Methods of improving water quality; typically applied to nonpoint source pollution controls; considered a subset of the AKART requirement.

Abbreviation	Term	Meaning
PFC	Properly Functioning Conditions	Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicate a level of performance for a subset of the more broadly defined "ecological functions."
PTE Species	Proposed, Threatened and Endangered Species.	Those native species proposed to be listed or listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered; or are listed or proposed to be listed as threatened or endangered under the federal Endangered Species Act.
--	Ecological Functions	Those functions that are considered necessary for the recovery of PTE species.

## I. Environmental Impacts

### Definitions

**Environmental Impacts.** The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-444)

**AKART.** An acronym for "all known, available, and reasonable methods of prevention, control, and treatment" (WAC 173-201A-020). AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

**Best Management Practices.** The term "best management practices (BMPs)," is typically applied to nonpoint source pollution controls and is considered a subset of the AKART requirement.

**Mitigation.** The steps necessary to avoid minimize, or compensate for environmental impacts. See "Mitigation" in the *Definitions* section.

**Proposed, Threatened, and Endangered (PTE) Species.** Those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

**Properly Functioning Conditions (PFC).** Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicates a

level of performance for a subset of the more broadly defined “ecological functions,” reflecting what is necessary for the recovery of PTE species.

### **Environmental Impact Policy**

1. The adverse impacts of shoreline developments and activities on the natural environment, including critical areas and properly functioning conditions (PFC) for proposed, threatened, and endangered (PTE) species, and on the built environment should be minimized during all phases of development (e.g., design, construction, operation, and management).
2. Shoreline developments that protect and/or contribute to the long-term restoration of PFC for PTE species are consistent with the fundamental goals of this Master Program. Shoreline developments that propose to enhance critical areas, other natural characteristics, resources of the shoreline, and provide public access and recreational opportunities to the shoreline are also consistent with the fundamental goals of this Master Program, and should be encouraged.

### **General Environmental Impact Regulations**

1. All shoreline development and activity shall comply with applicable plans, policies, regulations, and rules of local, regional, state, and federal jurisdictions.
2. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates adverse impacts to the environment. The preferred mitigation sequence shall follow that listed in WAC 173-26-020 (30) (see “Mitigation,” listed in the *Definitions* section of this Master Program).
3. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that conserves PFC for PTE species, or does not preclude the long-term recovery of PFC for PTE species.
4. All shoreline development shall be located, designed, constructed, and managed to protect the functions and values of critical areas consistent with the Sumner Critical Area Regulations (SMC Title 16).
5. All shoreline development shall be located and designed to avoid or minimize the need for shoreline stabilization measures and flood protection works, such as bulkheads, revetments, dikes, levees, dikes, or substantial site regrades. Where measures and works are demonstrated to be necessary, biostabilization techniques shall be the preferred design option unless demonstrated to be infeasible or where other alternatives will provide less impact to the shoreline environment.
6. All shoreline development and activity shall be located, designed, constructed, operated, and managed to minimize interference with beneficial natural shoreline processes including those that contribute to PFC for PTE

species, such as water circulation, sand and gravel movement, erosion, and accretion.

7. All shoreline development and activity shall recognize the primacy of preserving the natural character of the White (Stuck) and Puyallup Rivers and the PFC supported by these river systems, as required for shorelines of statewide significance.
8. In approving shoreline developments, the City of Sumner shall ensure that the development will maintain, enhance, or restore desirable shoreline features, as well as protect PFC or contribute to the long-term recovery of PFC for PTE species. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, and screening as deemed appropriate.
9. In approving shoreline developments, the City of Sumner shall consider short and long term adverse environmental impacts. In addition, the City of Sumner shall consider the cumulative adverse impacts of the development, particularly the precedential affect of allowing one development, which could generate or attract additional development. Identified significant short term, long term, and cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.
10. Shoreline development shall not be permitted if it significantly impacts the natural character of the shoreline, natural resources, or public recreational use of the shoreline. Shoreline development shall also not be permitted if it reduces PFC or it significantly precludes opportunities for the long-term recovery of PFC. "Significant" is used as defined in SEPA (WAC 197-11-794).
11. Where provisions of this Master Program conflict with each other or with other laws, ordinances or programs, the more restrictive of the provisions shall apply.

## **Earth**

1. Gravel bars and other accretion shoreforms are valued for recreation and in some cases may provide fish spawning substrate, an important element of PFC. Therefore, developments that could disrupt these shoreforms shall be carefully evaluated and only allowed: when such disruption would not reduce PFC for PTE species or preclude long-term recovery of PFC; where there is a demonstrated public benefit; and where the Department of Fish and Wildlife determines there would be no significant impact to the fisheries resource.
2. Developments that alter the topography of the shoreline shall be carefully evaluated to determine if flood events will increase in frequency or severity either upstream or downstream of the site. Developments that alter the topography of the shoreline shall only be approved if flood events will not increase in frequency or severity as a result of the project.
3. Developments that alter the topography of the shoreline shall be carefully evaluated to determine if such alteration would impact natural habitat

forming processes and reduce PFC for PTE species. Mitigation shall be required for projects that would otherwise reduce PFC or preclude the long-term recovery of PFC.

4. An erosion and sedimentation control program shall be submitted with a permit application that involves the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion and siltation of the Puyallup or White (Stuck) Rivers and their associated wetlands.
5. The proponent shall incorporate AKART measures into the erosion and sedimentation control program. The Administrator shall determine what AKART measures are applicable for erosion and sedimentation control for projects in shorelines.
6. Temporary and emergency control drainage measures, such as silt curtains, berms, and stormwater catch basins, shall be utilized during construction to prevent shoreline erosion and siltation of the waterbody.
7. All debris, overburden, and other waste materials from construction shall be disposed of in such manner as to prevent their entry into a waterbody by erosion.
8. All disposal sites for soils and materials resulting from the shoreline development shall be identified and approved before permit issuance.

#### **Air**

1. The applicant shall identify any emissions from the proposed development that may result in degradation of shoreline air quality. Emissions shall include any compounds, chemicals, or pollutants that will be released into the air, odor, fugitive dust, and vehicle exhaust.
2. The applicant shall indicate in what quantity emissions will be released into the air and how these emissions will be controlled or eliminated.

#### **Water**

1. Shoreline development and activity shall maintain PFC for PTE species.
2. Shoreline development and activity shall avoid any further alteration of natural river currents or floodway capacity.
3. Shoreline development and activity shall minimize impacts to geohydraulic processes, surface water drainage, and groundwater recharge
4. All practicable measures shall be taken to protect waterbodies and wetlands from all sources of pollution, including, but not limited to sedimentation and siltation, petrochemical use and spillage, and storage of wastes and spoils.
5. Adequate provisions to prevent water runoff from contaminating surface and groundwater shall be included in shoreline development design. The

Administrator shall specify the method of surface water control and maintenance program for shorelines.

6. Hazardous and/or toxic materials shall be PROHIBITED within shoreline jurisdiction. In addition, emergency methods shall be available to prevent hazardous and/or toxic materials from entering the Puyallup or White (Stuck) Rivers and their associated wetlands, if these substances are used or stored in a portion of a shoreline development that extends outside of shoreline jurisdiction.
7. For lawns and other vegetation maintained within shoreline jurisdiction, alternatives to the use of chemical fertilizers, herbicides, and pesticides shall be a preferred BMP. Where chemical fertilizer, herbicide, or pesticide use is necessary for protecting existing natural vegetation or establishing new vegetation in shoreline areas as part of an erosion control or mitigation plan, the use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application.
8. The release of oil, chemical, or hazardous materials onto or into the water is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. During construction in shoreline areas, the exclusion of vehicle refueling or vehicle maintenance from shoreline areas shall be the preferred BMP. The bulk storage of oil, fuel, chemical, or hazardous materials, on either a temporary or a permanent basis, shall not occur in shorelines without adequate secondary containment.
9. All measures for the treatment of surface water runoff for the purpose of maintaining and/or enhancing water quality shall be conducted on-site, unless off-site options can be demonstrated to be more beneficial for PFC for PTE species. Only if on-site treatment is not possible or determined to not be as beneficial to PFC of PTE as off-site mitigation, will off-site treatment facilities be considered.

### **Plants and Animals**

1. In general, this Master Program shall strive to protect and restore anadromous fish resources in the White (Stuck) and Puyallup Rivers.
2. Shoreline development and activity shall be located and conducted in a manner that minimizes impacts to existing ecological values and natural resources of the area, conserves properly functioning conditions, and does not preclude the recovery of PFC elements.
3. Shoreline development and activity shall be scheduled to protect biological productivity and to minimize interference with fish resources including salmonid migration, spawning, and rearing activity.

4. Projects shall be designed to avoid the removal of trees in shorelines, wherever practicable and to minimize the removal of other woody vegetation. Where riparian vegetation is removed, measures to mitigate the loss of vegetation shall be implemented to assure no reduction in PFC for PTE species.
5. Shoreline activities and development projects shall minimize impacts to natural features of the shoreline as much as possible.
6. Shoreline development and activity shall maintain the unconstrained upstream and downstream migration of both adult and juvenile anadromous and resident fish, when applicable.
7. Mitigation shall be required of the proponent for the loss of fish and wildlife resources, natural systems, including riparian vegetation, wetlands and sensitive areas or other potential reductions in PFC. The mitigation required shall be commensurate to the value and type of resource or system impacted by development and activity in the shoreline. On-site compensatory mitigation shall be the preferred mitigation option, except where off-site mitigation can be demonstrated to be more beneficial to fish and wildlife resources, natural systems, including riparian vegetation, wetlands and sensitive areas or elements of PFC. If on-site compensatory mitigation is not feasible or if off-site mitigation is demonstrated to be more beneficial to the shoreline environment, participation in a publicly sponsored restoration or enhancement program or credits from a state certified mitigation in accordance with chapter 90.84 RCW shall be the preferred option.
8. Enhancement, restoration, and/or creation of coniferous riparian forest or forested riparian wetland shall be the preferred mitigation for impacts to riparian vegetation and wetlands when avoidance is not possible.
9. Where mitigation for loss of or impact to PFC, natural systems, and resources is required, a habitat mitigation plan shall be required. Habitat management plans shall be prepared by a professional wildlife biologist or fisheries biologist as determined appropriate by the Shoreline Administrator. The habitat management plan shall contain at a minimum:
  - A discussion of the project's effects on fish and wildlife habitat;
  - A discussion of any federal, state, or local special management recommendations which have been developed for species or habitats located on the site;
  - A discussion of measures to preserve existing habitats and restore habitats which were degraded prior to the proposed land use activity. Restoration plans shall include at a minimum: planting and soil specifications; success standards; and contingency plans;

- A discussion of proposed measures which mitigate the impacts of the project;
  - An evaluation of the effectiveness of the proposed mitigation and restoration measures;
  - A discussion of ongoing management practices which will protect fish and wildlife habitat after the project site has been fully developed, including proposed monitoring and maintenance programs;
  - An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal; and
  - Any additional information necessary to determine the impacts of a proposal and mitigation of the impacts.
  - Habitat management plans shall be forwarded to the appropriate state and/or federal resource agencies for review and comment.
  - Annual monitoring reports shall be provided to the City by the property owner until the mitigation and/or restoration has been in place for at least 10 years and the success standards have been met. The City shall forward the monitoring reports annually to the appropriate federal agencies along with the following:
    - A list and map of the location of development permits issued in the last calendar year;
    - The implementation status of Habitat Management Plans; and
    - The status of the habitat improvements.
10. Based on the habitat management plan, and comments from other agencies, the shoreline administrator may require mitigating measures to reduce the impacts of the proposal on critical habitat and/or wildlife areas. Mitigating measures may include, but are not limited to, increased buffers, building setbacks, enhanced buffers, reduced project scope, limitations on construction hours, limitations on hours of operation, and relocation of access. Projects may be denied if the proposal will result in extirpation or isolation of a critical fish, wildlife, or plant species or its habitat. The authority of the State Environmental Policy Act shall provide possible mitigation for all areas of wildlife habitat not covered by this chapter. ,
11. Mitigation activities shall be monitored to determine effectiveness of the habitat mitigation plan. Monitoring shall be accomplished by a third party, subject to the approval of the Shoreline Administrator, and shall have the concurrence of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Washington Department of Fish and Wildlife, and, where applicable, the Washington Department of Ecology. Monitoring shall occur over ten (10) years following implementation of the plan. Results of the monitoring shall be publicly available and reported to the U.S. Fish and

Wildlife Service and National Marine Fisheries Service. Reports shall contain the following information:

- A list of parcels subject to this requirement;
  - The implementation status of the habitat management plans;
  - Status of the improvements (e.g. update if success standards are being met, what types of remedial actions have been implemented.)
12. If mitigation is found to be ineffective, corrective action will be required of the proponent, which satisfies the mitigation objectives.
  13. If mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application shall be denied.
  14. Timing of in-water construction, development, or activity shall be determined by Washington Department of Fish and Wildlife

### **Noise**

1. Noise levels shall not interfere with the quiet enjoyment of the shoreline.
2. Ambient noise levels shall be a factor in evaluating a shoreline permit application. Shoreline developments that would increase noise levels to the extent that the natural character of the shoreline would be disrupted shall be prohibited.

### **Public Health**

All shoreline developments shall be located, constructed, and operated so as not to be a hazard to public health and safety.

### **Land Use**

1. The size of the shoreline development and the intensity of the use shall be compatible with the surrounding environment and uses. The City of Sumner may prescribe operation intensity, landscaping, and screening standards to ensure compatibility with the character and features of the surrounding area.
2. Shoreline developments shall minimize land use conflicts to properties adjacent to, upstream, and downstream of the proposed site.
3. In reviewing shoreline permit applications, the City of Sumner shall consider potential and current public use of the shoreline, total water surface reduction, and restriction to navigation.

### **Aesthetics**

1. Shoreline development shall be designed and located to be aesthetically compatible with the area.

2. The applicant for a shoreline development permit for a new development must indicate in the shoreline application the effect that the proposed development will have upon the any scenic public views at the proposed site. Specifically, the applicant must state in the shoreline permit application what steps have been taken in the design of the proposed development to minimize interference with a scenic view enjoyed by a significant number of people in the area.
3. If required by the Shoreline Administrator, the applicant shall provide a landscape plan that provides suitable screening but does not block scenic views.
4. Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties and adjoining waters.
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.
6. Lighting shall be properly directed or shielded to avoid off-site glare and impacts to fisheries.

#### **Historical/Cultural**

1. Wherever possible, public or private developments shall be prevented from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.
2. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the City of Sumner if any items of archaeological interest are uncovered during excavation. In such cases, the developer shall be required to allow site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly salvaged.
3. Where archaeological or historic sites have been identified, public access shall be required, provided the development is consistent with the provisions for public access and provided further it is determined that public access to the site will not damage or reduce the cultural value of the site.

## **2. Environmentally Sensitive Areas - General**

#### **Definition**

The following policies and regulations must be factored into decisions regarding all Environmentally Sensitive Areas planning and development within Sumner's shoreline jurisdiction. In addition, specific policies and regulations are provided in Chapter 7, under Shoreline Modification use requirements.

Environmentally sensitive areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values. Environmentally sensitive areas include but are not limited to:

- Floodplains
- Wetlands
- Unstable slopes
- Wildlife habitat areas
- Fish breeding, rearing, or feeding areas.

### **Environmentally Sensitive Area General Policies**

1. Unique, rare, and fragile natural and manmade features as well as scenic vistas, and wildlife habitats should be preserved and protected.
2. The diversity of aquatic life, wildlife, and habitat within the shoreline should be enhanced.
3. Conserve and maintain designated open spaces for ecological reasons and for educational and recreational purposes.
4. Recognize that the interest and concern of the public is essential to the improvement of the environment and sponsor and support public information programs to that end.
5. The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).
6. Intensive development of shorelines areas that are identified as hazardous or environmentally sensitive to development should be discouraged.

### **Environmentally Sensitive Area General Regulations**

In compliance with the Growth Management Act (GMA), the City of Sumner developed critical area regulations. Those regulations have been reviewed and updated to be consistent with the environmentally sensitive area regulations in this Shoreline Master Program.

1. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to facilitate the appropriate intensity of human use of such features, including but not limited to:
  - Wetlands, including but not limited to marshes, bogs, and swamps;
  - Fish and wildlife habitats, including streams, migratory routes, and spawning areas;

- Natural or man-made scenic vistas or features;
  - Floodways;
  - Geologically hazardous areas, including erosion, landslide, steep slope and seismic hazard areas; and
  - Ground water (aquifer) recharge areas.
2. All uses, developments, and activities on sites within the shoreline jurisdiction must comply with all applicable federal, state, and local management codes and regulation.
  3. The standards of the Sumner Critical Area Regulations shall apply within areas landward of the ordinary high water mark (OHWM) and within the shoreline jurisdiction, where environmentally sensitive areas are present. If there are any conflicts or unclear distinctions between the Master Program and the Sumner Critical Areas Regulations, the most restrictive requirements apply.
  4. The use of herbicides and pesticides shall be PROHIBITED to remove noxious plants in the riparian management zones of rivers, streams, and wetland areas, except where no reasonable alternatives exist and it is demonstrated that such activity is in the public interest. A Conditional Use shall be required in such cases. Mechanical removal of noxious weeds shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.

### **3. Environmentally Sensitive Areas - Floodplain Management**

The following policies and regulations must be factored into decisions regarding all flood management planning and development within that portion of the 100-year floodplain that falls within Sumner's shoreline jurisdiction. In addition, specific policies and regulations for dikes and levees are provided in Chapter 7, under Shoreline Modification use requirements.

#### **Definition**

Floodplain management involves actions taken with the primary purpose of preventing or mitigating damage due to flooding. Floodplain management can involve planning and zoning to control development, either to reduce risks to human life and property or to prevent development from contributing to the severity of flooding. Floodplain management can also address the design of developments to reduce flood damage and the construction of flood controls, such as dikes, dams, engineered floodways, and bioengineering.

#### **Floodplain Management Policies**

1. Flood management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider the entire river system. This planning should consider off-site impacts such as

erosion, accretion, and/or flood damage that might occur if shore protection structures are constructed.

2. Non-structural control solutions are preferred over structural flood control devices, and should be used wherever possible. Non-structural controls include such actions as prohibiting or limiting development in areas that are historically flooded or limiting increases in peak flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the damage.
3. Substantial stream channel modification, realignment, and straightening should be discouraged as a means of flood protection.
4. Where possible, public access should be integrated into the design of publicly financed flood management facilities.
5. The City supports the protection and preservation of the aquatic environment and the habitats it provides, and advocates balancing these interests with the City's intention to ensure protection of life and property from damage caused by flooding.

### **Floodplain Management Regulations**

1. The City shall require and utilize the following information as appropriate during its review of shoreline flood management projects and programs.
  - River channel hydraulics and floodway characteristics up and downstream from the project area.
  - Existing shoreline stabilization and flood protection works within the area.
  - Physical, geological, and soil characteristics of the area.
  - Biological resources and predicted impact to riverine ecology, including fish, vegetation, and animal habitat.
  - Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and,
  - Analysis of alternative flood protection measures, both non-structural and structural.
2. The City shall require engineered design of flood protection works where such projects may cause interference with normal river geohydraulic processes, off-site impacts, or adverse effects to shoreline resources and uses. Non-structural methods of flood protection shall be preferred over structural solutions.

3. Shoreline developments and activities shall not increase the base flood elevation by more than one (1) foot. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site, or off-site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time.
4. No development shall cause an increase in the base flood elevation by more than one (1) foot, unless appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.
5. Flood protection measures shall be planned and constructed based on a state approved flood control management plan, when available, and in accordance with the National Flood Insurance Program and the City of Sumner's Flood Damage Prevention Code, Chapter 15.52.

#### **4. Environmentally Sensitive Areas - Wetlands**

The following policies and regulations must be factored into decisions regarding all development within wetlands that falls within Sumner's shoreline jurisdiction.

##### **Definition**

Wetlands are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. For the purposes of this definition, these areas must have one or more of the following attributes:

- At least periodically, the land supports predominantly hydrophytes; and/or
- The substrate is predominantly undrained hydric soil.

Hydrophytes are those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen (anaerobic) as a result of excessive water content. Hydric soils include those soils that are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.

##### **Wetland Policies**

1. Wetland ecosystems serve many important ecological and environmental functions, which are beneficial to the public welfare. Such functions include flood storage and conveyance, erosion control, sediment control, fish production, fish and wildlife habitat, recreation, water quality protection, water supply, education, and scientific research. Wetland ecosystems should be preserved and protected to prevent their continued loss and degradation.

2. Wetland areas should be identified according to established identification and delineation procedures and provided appropriate protection consistent with the policies and regulations of this Master Program.
3. The greatest protection should be provided to wetlands of exceptional resource value, which are defined as those wetlands that include rare, sensitive, or irreplaceable systems such as:
  - Documented or potential habitat for an endangered, threatened, or sensitive species.
  - High quality native wetland systems as determined by the Washington State Natural Heritage Program.
  - Significant habitat for fish or aquatic species as determined by the appropriate state resource agency.
  - Diverse wetlands exhibiting a high mixture of wetland classes and subclasses as defined in the US Fish and Wildlife Service classification system.
  - Mature forested swamp communities.
  - Sphagnum bogs or fens.
4. A wetland buffer of adequate width should be maintained between a wetland and the adjacent development to protect the functions and integrity of the wetland.
5. The width of the established buffer zone should be based upon the functions and sensitivity of the wetland, the characteristics of the existing buffer, and the potential impacts associated with the adjacent land use.
6. All activities that could potentially affect wetland ecosystems should be controlled both within the wetland and the buffer zone to prevent adverse impacts to the wetland functions.
7. No wetland alteration should be authorized unless it can be shown that the impact is both unavoidable and necessary and that resultant impacts are offset through the deliberate restoration, creation, or enhancement of wetlands.
8. Wetland restoration, creation, and enhancement projects should result in no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.
9. Wetlands that are impacted by activities of a temporary nature should be restored immediately upon project completion.
10. In-kind replacement of functional wetland values is preferred. Where in-kind replacement is not feasible or practical due to the characteristics of the

existing wetland, substitute ecological resources of equal or greater value should be provided.

11. On-site replacement of wetlands is preferred. Where on-site replacement of a wetland is not feasible or practical due to characteristics of the existing location, replacement should occur within the same watershed and in as close proximity to the original wetland as possible.
12. Where possible, wetland restoration, creation, and enhancement projects should be completed prior to wetland alteration. In all other cases, replacement should be completed prior to use or occupancy of the activity or development.
13. Applicants should develop comprehensive mitigation plans to ensure long-term success of the wetland restoration, creation, or enhancement project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence.
14. Applicants should demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor the mitigation project.
15. Proposals for restoration, creation, or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.
16. Activities should be prevented in wetland buffer zones except where such activities have no adverse impacts on wetland ecosystem functions.
17. Wetland buffer zones should be retained in their natural condition unless revegetation is necessary to improve or restore the buffer.
18. Wetland education programs should be developed to increase awareness of the importance of wetlands and to inform the citizenry of protective wetland regulations.
19. The City of Sumner should distribute wetland education materials to schools, landowners, and developers in the Sumner area.

## **Wetland Regulations**

### General.

1. No development or activity shall be undertaken in a wetland or wetland buffer unless authorized by a conditional use permit and consistent with the goals and policies of this Master Program.
2. The approximate location and extent of wetlands in the city is displayed on the map titled City of Sumner Wetland Inventory Map, 2001. This inventory is general and not designed to support permit applications, and does not

establish jurisdictional boundaries. Furthermore, as site conditions change (due to natural and human processes), wetland areas and characteristics may change as well.

3. The “*Washington State Wetlands Identification and Delineation Manual*,” 1997, Publication No. 96-94, or its successor, shall be used for identifying and delineating wetlands.
4. The *Washington State Wetland Rating System - Western Washington*, Second Edition, 1993, Publication No. 93-74, or its successor, shall be used for rating wetlands.

#### Standard of Review.

5. A permit shall only be granted if the permit, on its face or as conditioned, is consistent with the provisions of this chapter and the following criteria:
  - A proposed action avoids adverse impacts to wetlands or their buffers or takes affirmative and appropriate measures to minimize and compensate for unavoidable impacts;
  - The proposed activity results in no net loss of wetland; or
  - Denial of a permit would cause an extraordinary hardship on the applicant.
6. The proposal has been shown to satisfy the mitigation preferences provided below in the following order of preference:
  - Avoiding the impact altogether by not taking a certain action or parts of an action;
  - 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;
  - Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
  - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
  - Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
  - Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above measures.

7. In approving a permit subject to this chapter, the Administrator may impose any conditions necessary to ensure compliance with the Master Program.

Wetland Buffers.

8. Wetland buffer zones shall be required for development and activities adjacent to a wetland. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include a wetland buffer equivalent to that required for the category of wetland to be replaced. The width of the wetland buffer shall be based on the wetland category according to the following table:

Category I	150 feet
Category II	100 feet
Category III	50 feet
Category IV	25 feet

9. Additional buffer width may be required around a wetland on a case-by-case basis when it can be demonstrated that the increase is necessary to:
  - Protect the function and value of the wetland; or
  - To provide viable species of animal, fish or plant life covered by the Washington State Department of Wildlife Priority Habitat and Species Program; or
  - To protect lands adjacent to wetlands from erosion; or
  - If the adjacent land has minimal vegetative cover or slopes greater than 15 percent.
10. Wetland buffer width may be reduced on a case-by-case basis where it can be demonstrated by the applicant that:
  - The adjacent land is extensively vegetated and has less than 15 percent slopes and that no direct or indirect, short-term or long-term, adverse impacts to wetlands, as determined by the Administrator, will result from a development; or
  - The project includes a wetland buffer enhancement plan using native vegetation which substantiates that an enhanced wetland buffer will improve the functional attributes of the wetland buffer to provide a net increase in protection for wetlands functions and values. An enhanced wetland buffer shall not result in greater than a 25 percent reduction in the wetland buffer width, and the reduced wetland buffer shall not be less than 25 feet.

11. Except as otherwise specified, wetland buffer zones shall be retained in their natural condition. Where wetland buffer disturbance has occurred during construction, revegetation with native vegetation may be required.

Avoidance.

12. Development and activities shall not be allowed in a wetland buffer zone except for the following:
  - Activities directly related to the cultural, recreational, scientific and education aspects of the wetland and which have a minimal adverse impact on the wetland buffer and wetland area. These may include passive recreational facilities, trails, view points, short-term scientific or educational activities, and sports fishing or hunting;
  - In all but Category I wetlands, public utility corridors may be allowed in wetland buffer areas provided the proposal is subject to review under the State Environmental Policy Act and measures are provided to restore, replace and enhance the wetland buffers and protect the wetland;
  - In Category III and IV wetland buffers, stormwater management facilities having no reasonable alternative on-site location; or
  - In Category III and IV wetland buffers, development having no feasible alternative location.
13. A building setback line of 15 feet is required from the edge of any wetland buffer. Structural intrusions into the area of the building setback may be allowed if it can be demonstrated by the applicant and the Administrator determines that such intrusions will not negatively impact the wetlands functions and values.
14. If a Category I wetland is adjacent to a public access trail required under the provisions of this Master Program, then interpretive signage is required. The interpretive signage shall explain why the wetland is considered valuable. The Administrator shall determine the type and extent of interpretive signage required.
15. Development or activities shall not be authorized in a wetland except where either of the following conditions exist:
  - The impact is both unavoidable and necessary due to site-specific constraints.
  - All reasonable economic use of the property would be denied.

16. With respect to Category I wetlands, an applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.
17. With respect to Category II and III wetlands, the following provisions shall apply:
  - For water-dependent activities, unavoidable and necessary impacts can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.
  - Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:
    - i. The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on a regulated wetland; and
    - ii. A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a wetland or its buffer will not accomplish the basic purpose of the project; and
    - iii. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.
18. With respect to Category IV wetlands, unavoidable and necessary impacts can be demonstrated where the proposed activity is the only reasonable alternative which will accomplish the applicant's objectives.

#### Minimizing Impacts.

19. After it has been determined that losses of wetland are unavoidable and necessary, or that all reasonable economic use would be denied, the applicant shall take deliberate measures to minimize wetland impacts.
20. Steps to minimize impacts to wetlands shall include, but are not limited to reduced project scope, sensitive site design, best management practices, off-site construction staging, limiting the season of construction, and consultation with resource agencies in site design.
21. As a condition of any permit allowing alteration of wetlands and/or wetland buffers, or as an enforcement action an applicant shall be required to provide

restoration, creation or enhancement of wetlands and their buffers in order to offset the impacts resulting from the applicant's or violator's actions and recreate as nearly as possible the original wetlands in terms of function, geographic location and setting, and that are larger than the original wetlands.

22. Any person who alters wetlands shall restore or create equivalent areas or greater areas of wetlands than those altered in order to compensate for wetland losses, provided that no restoration/creation is required for alterations of less than 2,500 square feet to Category III and IV wetlands.
23. Where feasible, restored or created wetlands shall be a higher category than the altered wetland.
24. Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self sustaining and projected success. Wetland functions and values shall be calculated using the best professional judgement of a qualified wetland ecologist using the best available techniques. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.
25. The following ratios apply to creation or restoration which is in-kind, on-site, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from illegal alterations. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

Category I	4:1
Category II or III	
Forested	2:1
Scrub-shrub	1.5:1
Emergent	1.5:1
Category IV	1.25:1

26. The Administrator may increase the replacement ratios to account for uncertainties as to the success of the restoration or creation, the time required for replacement wetlands to be effective, projected losses in functional value, or in the case of off-site compensation:
  - The Administrator may decrease the compensation ratios upon findings reviewed by agencies with expertise that no net loss of wetland function or value is attained under a reduced compensation ratio. In no case shall the ratio be less than 1:1.
  - Any applicant proposing to alter wetlands may propose to enhance existing wetlands, other than Class I wetlands, in order to compensate for wetland losses. Applicants proposing to enhance wetlands shall identify how enhancement conforms to the goals of the Shoreline Master Program and requirements of this chapter. The replacement ratio shall be

determined by the Administrator to ensure no loss in functional wetland value.

27. In-kind compensation shall be provided where feasible. The applicant can provide out-of-kind compensation when:
  - Out-of-kind replacement will result in a wetland with greater functional value; or
  - Scientific problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impracticable; or
  - Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).
28. On-site compensation shall be provided where feasible. The applicant shall provide off-site compensation when:
  - On-site compensation is not feasible due to problems with hydrology, soils, waves, or other factors; or
  - Compensation is not practical due to potentially adverse impact from surrounding land uses or proposed on-site land uses; or
  - Functional values at the site of the proposed restoration will be greater than lost wetland functional values; or
  - Established regional goals for flood storage, flood conveyance, habitat or other wetland functions, or other land use goals and policies have been established and strongly justify location of compensatory measures at another site.
29. Off-site compensation for impacts to prior converted wetlands shall be allowed when it is determined that the off-site alternative results in a net increase in overall wetland functional value.
30. Off-site compensation shall occur within the same watershed as the wetland loss occurred, provided that Category IV wetlands may be replaced outside of the watershed when there is no reasonable alternative. Off-site mitigation may occur at a City-identified and approved regional mitigation site, or at a site selected by the applicant and approved by the Administrator.
31. In selecting compensation sites, applicants must consider siting in the following order of preference:
  - Upland sites which were formerly wetlands;

- Idled upland sites generally having bare ground or vegetative cover consisting primarily of exotic introduced species, weeds, or emergent vegetation;
  - Other disturbed upland sites.
32. Compensatory projects shall be completed prior to activities that will disturb wetlands, and immediately after activities that will temporarily disturb wetlands unless otherwise agreed to via permit application. Compensatory projects shall be completed prior to use or occupancy of the activity or development which was conditioned upon such compensation. Construction of compensation projects shall be timed to reduce impacts to existing wildlife and flora.

### Mitigation Plans.

33. All wetland restoration, compensation, creation, and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared by qualified wetland professionals approved by the Administrator. Unless waived by the Administrator, in consultation with resource agencies, mitigation plans shall be prepared by qualified wetlands professionals and shall contain the following:
- Baseline information for the impacted and any compensation site including written assessment and accompanying maps of the existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; wetland buffers; and ownership;
  - Establish specific criteria (including water quality standards, survival rates of planted vegetation, species abundance and diversity targets, or other ecological, geological or hydrological criteria) for evaluating the mitigation proposal relative to the objectives of this chapter and the goals and objectives of this Shoreline Master Program;
  - Specify and describe how lost functional values will be replaced;
  - Specify when mitigation will occur relative to project construction and to the requirements of permits required by other jurisdictions;
  - Detailed construction plans which establish the appropriate methods of construction, sequencing, and times of construction;
  - Include provisions for monitoring the mitigation area to determine whether the mitigation plan is successful. Monitoring of the area shall include:

- i. Appointment by the Administrator of a qualified wetlands professional at the expense of the applicant independent of the development for purposes of monitoring the progress of the mitigated wetland;
  - ii. Monitoring shall begin by the designated consultant with a wetland analysis of the wetland being altered. Consultants will use the same data sheets within this analysis as will be used in the monitoring procedure;
  - iii. Determination by the Administrator from the wetland analysis of a period to monitor the mitigated wetland progress. This period shall not be less than three years or over five years over which time an annual report of the wetland progress will be made by the professional to the Administrator;
  - iv. Provisions for monetary security in an amount equal to 120 percent of the estimated funds necessary to complete work and monitoring in accordance with the mitigation plan, including restoration or rehabilitation to be performed if planned mitigation fails within the designated period of implementation.
34. An applicant or other holder of a permit shall be required to create a separate sensitive area tract or tracts containing the wetland and wetland buffer(s) or provide a permanent conservation easement, covenant or other instrument acceptable to the Administrator to ensure the long-term protection of the wetland and buffers.
35. The location of the outer extent of the wetland buffer and the areas to be disturbed pursuant to an approved permit shall be marked in the field, and such field marking shall be approved prior to the commencement of permitted activities. Such field markings shall be maintained by the applicant throughout the duration of the permit.
36. The Administrator shall require the applicant to post a cash performance bond or other security acceptable to the Administrator in an amount and with surety and conditions sufficient to fulfill the requirements of these regulations and any applicable conditions of approval. The amount and the conditions of the bond shall be consistent with the purposes of this Master Program. The Administrator shall release the bond when all activities have been completed consistent with the Master Program and when a maintenance bond has been posted.
37. The Administrator shall require the holder of an approval issued pursuant to this section to post a cash performance bond or other security acceptable to the Administrator in an amount and with surety and conditions sufficient to guarantee that structures, improvements, and mitigation required by the permit or by this section perform satisfactorily for a minimum of three years

after they have been completed. The Administrator shall release the maintenance bond upon determining that performance standards established for evaluating the effectiveness and success of the structures, improvements, and/or compensatory mitigation have been satisfactorily met for the required period. The maintenance bond applicable to a compensation project shall not be released until the Administrator determines that performance standards established for evaluating the effect and success of the project have been met.

## 5. Public Access

### Definitions

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access, including picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, parking and others, although some of these are not currently provided along the City of Sumner's shorelines.

**Physical Public Access.** Unobstructed access with public use improvements that are available to the general public and that extend from the land to the ordinary high water mark or to the wetland directly abutting the ordinary high water mark.

**Visual Access.** Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

**Limited Public Access (Physical or Visual).** Restrictions on access that are deemed necessary for the health, safety, or welfare of the public or for the protection and maintenance of the particular site.

### Public Access Policies

1. Public access to the Sumner shorelines does not include the right to enter upon or cross private property, except for on dedicated public easements.
2. Public access provisions should be incorporated into all private and public developments. Exceptions may be considered for the following types of uses:
  - A single family residence.
  - An individual multi-family structure containing fewer than three (3) dwelling units; and
  - Where deemed inappropriate, in accordance with Public Access Regulation #2, below.
3. Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.

4. Preservation and enhancement of the public's visual access to Sumner's shoreline areas should be encouraged.
5. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and adjacent wetlands.
6. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.
7. Except for access to the water, the preferred location for placement of public access trails is at the furthest landward edge of the riparian management zone. Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons. Publicly owned shorelines should be limited to water-dependent or public recreation uses, otherwise such shorelines should remain protected open space.
8. Shoreline areas that hold unique value for public enjoyment should be purchased for public use, and public access area should be of sufficient size to allow passage and allow the visitor to stop, linger, and contemplate the setting.
9. Public access afforded by shoreline street ends should be preserved, maintained and enhanced.
10. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.
12. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.
13. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.
14. Public access facilities should be maintained to provide a clean and safe experience and protect the environment.

### **Public Access Regulations**

1. Public access shall be required for all shoreline development and uses, except for a single family residence or residential projects containing less than three (3) dwelling units.

2. A shoreline development or use that does not provide public access may be authorized; provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
  - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
  - b. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;
  - c. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
  - d. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
  - e. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:

- i. Regulating access by such means as limiting hours of use to daylight hours.
- ii. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system
- iii. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.

Where the above conditions 2(a)-(e) cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020. Payment in-lieu may include in-kind work or services.

3. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.
4. Public access sites shall be connected directly to the nearest public street.
5. Public access sites shall be made barrier free for the physically disabled where feasible.
6. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.

7. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110).
8. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. In accordance with *Public Access* regulation 1 in this section, signs controlling or restricting public access may be approved as a condition of permit approval.
9. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
10. Development on or over the water shall be constructed as far landward as possible to avoid interference with views from surrounding properties to the shoreline and adjoining waters.
11. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.
12. Whenever financially feasible and practical, the City shall require the use of environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc., when developing public access to the shoreline.
13. Where public access is to be provided through the Sumner/Pacific Master Trail Plan the following requirements shall apply:
  - a. The trail shall be no wider than 16 feet, plus 2 foot gravel shoulders for a maximum width of 20 feet.
  - b. The trail shall be placed on one side of the White River or the other, not both sides.
  - c. Where feasible the trail shall be placed on the furthest landward edge of the riparian management zone. If this is not feasible the trail shall:
    - i. Be a minimum of 100 feet from the ordinary highwater mark of the White River;
    - ii. Within the entire riparian management zone restoration and mitigation will be required per a habitat management plan as required in *Chapter 6-Fish and Wildlife Habitat*;
    - iii. Restoration/mitigation within the riparian management zone between the trail and the ordinary highwater mark will be in place before construction of the trail.

- d. On City owned property on the east bank of the White River, and where possible, the trail shall be placed outside the riparian management zone in the Urban Conservancy shoreline designation.
- e. Except where stated above in section (c.iii.), the riparian management zone shall be restored between the trail and the White River in conjunction with the development of the trail. Restoration of the riparian management zone prior to trail construction is preferred.
- f. Direct access from the trail to the water's edge of the White River, should be granted no more than every three hundred feet.
  - i. The width of the water access trails should not exceed 36 inches
  - ii. All water access trails shall be unpaved.
- g. The restoration and landscaping vegetation should be designed, installed and maintained to achieve full canopy cover over the trail and the access trails that lead to the White River.
- h. Stormwater runoff should be sheet flowed (as opposed to conveyed) through either an amended soil treatment and/ or vegetated filter and then into nearby vegetation.
- i. Uses restrictions and/or implement measures are encouraged to reduce potential damage to fish and wildlife habitat, such as, but not limited to: leash and cleaning of waste requirement for dogs, hours of use, trash cans, etc.
- j. The City will fund and implement a regular maintenance program that will, at a minimum:
  - i. Remove trash and animal waste.
  - ii. Maintain the filtration function of the porous pavement (e.g. sweepers/ vacuums).
  - iii. Maintain the water quality function of the soil or vegetative filter used to treat stormwater runoff from the trail.
- k. As the trail construction and design advances, if the above measures cannot be met the City will consult further with the appropriate federal agencies.

**NOTE:** Additional public access regulations may be required for specific use requirements. *See Chapter 7.*