



Seattle Public Utilities (SPU) is seeking a Master Use Permit (MUP) II – Shoreline Substantial Development and Conditional Use Permit for the proposed Henderson North CSO Reduction Project – CSO Facility 8A located within Seward Park in Seattle. The applicable code sections are addressed below in support of approval of the project. The project is located in the Conservancy Recreation Shoreline Environment.

SMC 23.60.064 Procedures for obtaining substantial development permits, shoreline variance permits, shoreline conditional use permits and special use authorizations.

C. In evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:

1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located;

The project will be located on Seattle Parks and Recreation (Parks) property within Seward Park (5895 Lake Washington Boulevard South). The adjacent shoreline is designated as a Conservancy Recreation (CR) Shoreline Environment. Within the CR shoreline environment, utility service uses for treating and storing stormwater and/or combined sewage are allowed as a conditional use if they reasonably require a shoreline location to operate, are the minimum size necessary to meet their purpose, and they mitigate adverse impacts to achieve no net loss of ecological function (SMC 23.60.365.D). The project meets all of these criteria.

Pursuant to SMC 23.84A.030, the project meets the definition of a “public facility” as it is a public project and city facility. The underlying zoning for the project site is single-family residential (SF 9600). Within the single-family zone, public facilities are allowed through a Council Concept Approval. An application for a Council Concept Approval is submitted concurrently with the Shoreline Substantial Development Permit and Shoreline Conditional Use application.

2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III, the development standards for the shoreline environment in which it is located, and any applicable development standards of the underlying zoning, except where a variance from a specific standard has been applied for;

The development standards are evaluated in the following pages of this document and provided in the Zoning Data Sheet provided with this submittal.

SMC 23.60.152 General development.

All uses and developments shall be subject to the following general development standards:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.**

The project will be constructed in accordance with all state and local water quality and air quality standards and regulations. A drainage report will be prepared for the project to determine how the project design meets state and local water quality management programs and requirements of applicable regulatory agencies.

The project will include a construction stormwater control plan (CSCP).

- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.**

The purpose of the proposed project is to reduce the amount of Combined Sewer Overflows (CSOs) that occur each year. Currently, the existing CSO Outfall 44 exceeds the threshold for annual discharges per year at a combined average rate of 17 CSOs per year. The project is to decrease the number of CSO events

To protect against hazardous substance spills from routine equipment operation and maintenance during construction, the contractor will be required to provide an emergency response plan and know proper hazardous materials storage, handling, and emergency procedures, including proper spill notification and response requirements Spill Prevention, Containment and Control (SPCC) Plan.

- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.**

The project does not include a recreational marina, commercial moorage, vessel repair facilities, marine service stations or any use regularly services vessels with petroleum product capacities of 10,500 gallons; therefore, this development standard is not applicable to the project.

- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof 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, the contractor will adhere to the requirements of a CSCP conditions, and will follow a SPCC Plan to limit the risk of releasing hazardous materials at the project site.

Replacement of the existing CSO outfall will be completed in accordance with applicable BMPs, including applicable conservation measures identified in the [Seattle Biological Evaluation](#). Dewatering water will be monitored and treated as necessary to meet receiving water quality standards. Water quality monitoring will be conducted during all excavation and backfilling.

For both construction and ongoing operations, equipment will be operated and maintained in such a manner as to minimize the risk of an uncontrolled discharge of pollutants.

The operational facilities will have spill kits available on-site and in vehicles that visit the site. Operations personnel will be trained, at job-appropriate levels, to conduct their activities in a manner that minimizes the risk of spills. City of Seattle field employees receive training to ensure proper spill reporting, and/or use of spill response equipment to contain, stabilize, and/or clean up spills.

- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.**

The project exceeds the threshold for implementing Green Stormwater Infrastructure (GSI) to the maximum extent feasible. A drainage report will be prepared in accordance with DR16-2009 and utilize GSI to the maximum extent feasible.

- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.**

The project will be constructed in accordance with the DR16-2009 and utilize permeable surfacing where feasible. A portion of the project will use grasscrete paving (See Sheet 49-51)

- G. All shoreline developments and uses shall control erosion during project construction and operation.**

The CSCP will be implemented by the contractor. Best Management Practices (BMPs) appropriate for the activity and season will be identified in the CSCP. The BMPs will be implemented and monitored (and adjusted as needed) to maintain their effectiveness throughout the construction period for the project.

CSCP inspection requirements are mandated by the approved construction stormwater control plans and will be modified as necessary depending on site conditions.

Once permanent erosion control is in place (i.e., revegetating or repaving), no other erosion control measures will be required for the completed project.

- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.**

There is an existing bulkhead along the shoreline that abuts the project. The bulkhead will be replaced with added environmental features. The bulkhead replacement includes a rockery wall, large wood at the base which is below the ordinary high water mark (OHWM), and vegetation at the base of and on top of the rock wall. The design is to provide complexity for the benefit of juvenile salmon. Beach nourishment will be waterward of the wall and designed with rounded gravel and shallow sloping features known to benefit migrating juvenile salmon. The design is being coordinated with the U.S. Fish and Wildlife Service, NOAA Fisheries, U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, and Muckleshoot Indian Tribe Fisheries Department.

The replacement of the existing CSO outfall will be completed in accordance with requirements of the above listed agencies and the City of Seattle.

- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.**

The shoreline enhancement feature was designed based on a two-dimensional wave analysis of Lake Washington. The substrate for the new gravel beach was sized to limit transport of the material during large storm events. In addition, large woody material will be anchored to the bank to limit longshore transport of the beach fill and provide a plantable area for overhanging vegetation. The new shoreline will allow for the retention of smaller substrate in the nearshore area adjacent to the bank than currently exists adjacent to the vertical concrete bulkhead.

- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.**

The project will be located in an area of Seward Park that is currently used as a parking lot and tennis courts. The CSO storage tank and facilities vault will be underground and the parking lot and tennis courts will be restored upon completion of the project. The CSO outfall will be replaced and shoreline will be restored.

Additionally, the vegetated areas will be replanted. The landscaping plan includes plant species consistent with the plant species listed in the Seward Park Vegetation Management Plan.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

The land clearing, grading, filling, and alteration will be the minimum necessary to complete the project. All vegetated areas removed as part of the project will be replanted a mixture of native and non-native species. The surface drainage systems design was completed by licensed Professional Engineers.

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

During construction, the contractor shall comply with all safety regulations to ensure there is no threat to public health and safety. Construction areas will be restricted by fencing and access by the general public will be prohibited.

The operational facility is not anticipated to create any public health and safety hazards. Additionally, the purpose of the project is to reduce the amount of untreated discharges (CSOs) occurring annually which will reduce public health and safety risks.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

The shoreline rehabilitation includes removal of the existing bulkhead adjacent to the tennis courts and constructing a new rounded-gravel beach. Between the beach and the new CSO storage tank, a rockery wall will be installed to protect the tennis courts and CSO storage tank from wave action. The replaced bulkhead will be bioengineered and consist of a rock wall with wood and vegetation placed below the OHWM, for stabilization and to increase fish habitat. Beach nourishment will be placed for fishery and scour control.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

As a component of the prescribed BMPs and the site preparation and construction notes indicated on the plans, debris, overburden and other waste materials from construction will be disposed of to prevent entering any water body.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

The replacement of the existing CSO Outfall extends approximately 680 feet into Lake Washington. A barge-mounted crane will be used during construction. During the replacement, there will be temporary impacts to access within these waters. The project will be constructed in accordance with the U.S. Army Corps of Engineers requirements for navigable waters under a Rivers and Harbors Act Section 10 permit. The completed project will create no hazards or obstructions.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

The project does not include a pier.

Q. Submerged public right-of-way shall be subject to the following standards:

- 1. All structures shall be floating except as permitted in subsection Q2 below;**
- 2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;**
- 3. The maximum height of structures shall be fifteen feet (15');**
- 4. Structures shall not occupy more than thirty-five (35) percent of the right-of-way and shall not occupy more than forty (40) percent of the width of the right-of-way;**
- 5. A view corridor or corridors of not less than fifty (50) percent of the width of the right-of-way shall be provided and maintained; and**
- 6. An open channel, unobstructed by vessels or structures for access to and from the water for public navigation and for access to adjacent properties shall be maintained.**

The project will not impact any submerged public right-of-way. Therefore, these development standards are not applicable to the project.

R. Within all Shoreline Districts, submerged lands shall not shall not be counted in calculating lot area for purposes of minimum lot area requirements of Single-family zones or density standards of other zones.

The lot size exceeds the minimum lot area requirements for zoning standards. Additionally, the project qualifies for an exemption from minimum lot area requirements as the project is underground (SMC 23.44.010.E.2.e).

SMC 23.60.158 Drive-in businesses.

Uses may not have drive-in windows on waterfront lots in the Shoreline District. Uses may have drive-in windows on upland lots in the Shoreline District if permitted by the underlying zoning.

The project consists of underground facilities and does not include a drive-in window.

SMC 23.60.160 Standards for regulated public access.

- A. 1. Regulated public access shall be a physical improvement in the form of any one (1) or combination of the following: Walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining maritime history and industry.**

Seward Park provides public access and public access will not change. Upon completion of construction, the tennis courts and Parks parking lot will be restored. As a component of the site restoration, lake view corridors will be improved and a pedestrian path will be installed along the eastern perimeter of the tennis courts along the shoreline. The pedestrian path will be designed in coordination with Parks.

The construction activities will require a temporary closure of a portion of Seward Park.

- 2. The minimum regulated public access shall consist of an improved walkway at least five (5) feet wide on an easement ten (10) feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and water activities can be observed. There shall be no significant obstruction of the view from this viewpoint.**

As a component of the site restoration, a pedestrian path with water-side vegetation and lake view areas will be installed along the eastern perimeter of the tennis courts along the shoreline. These will be designed in coordination with Parks.

- 3. Maintenance of the public access shall be the responsibility of the owner or developer.**

Upon completion of construction, Parks will continue to maintain the tennis courts, parking lot, and pathways within Seward Park.

SMC 23.60.162 View corridors.

- A. View corridors shall be provided for uses and developments in the Shoreline District as required in the development standards of the environment in which the use or development is located.**

View corridors will be maintained and improved upon with the removal of the solid row of poplar trees that currently borders the shoreline and subsequent revegetation. Shoreline revegetation will include a variety of trees, shrubs, and groundcover while still providing view corridors. Clusters of trees and larger shrubs will be located to provide framed views. Lower vegetation will be provided adjacent to key pedestrian areas for unobstructed views of Lake Washington and Mount Rainier.

SMC 23.60.390 Development standards in the CR Environment.

All developments in the Conservancy Recreation Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

The following sections address the development standards for the Conservancy Recreation Environment. The previous sections addressed the development standards contained in Subchapter III, General Provisions.

SMC 23.60.392 Natural area protection in the CR Environment.

A. All developments in the CR Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas.

The project will be located in an area of Seward Park that is currently used as a parking lot and tennis courts. The CSO storage tank and facilities vault will be underground and the parking lot and tennis courts will be restored upon completion of the project. Additionally, the project includes replacement of the existing CSO outfall located within Lake Washington and shoreline rehabilitation. These project components will be enhancements and will be constructed in accordance with federal, state, and local shoreline regulations to ensure no significant adverse impacts to the shoreline environment will occur.

B. Development in critical natural areas shall be minimized. Critical areas include: Salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats.

Development within critical natural areas have been minimized to the maximum extent feasible. The condition of the existing CSO outfall was assessed in 2006 and it was determined that due to the condition and location of the pipe, it should be replaced within 10 years. Additionally, the existing bulkhead will need to be replaced and will be done in such a manner to both meet project needs and improve natural areas. The design includes placement of large wood at the wall base and shoreline revegetation to benefit juvenile salmon. Beach nourishment will consist of slopes and grain sizes beneficial to juvenile salmon.

SMC 23.60.394 Height in the CR Environment.

A. The maximum height permitted outright in the CR Environment shall be fifteen (15) feet except as modified by subsections C through E of this section.

The majority of the project consists of underground facilities. Upon completion of construction, the tennis courts will be restored as well as a 10 foot fence along the perimeter of the tennis courts.

B. The maximum height permitted as an administrative conditional use shall be thirty (30) feet except as modified in subsections C through E.

The project meets the height requirements. Additionally, the project requires a Shoreline Conditional Use Permit for a proposed CSO facility within the Conservancy Recreation Shoreline Environment.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the height permitted in subsection A or B above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

The project includes installation of underground facilities; therefore, this development standard is not applicable to the project.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles and chimneys may extend ten (10) feet above the maximum height limit.

The project includes installation of underground facilities; therefore, this development standard is not applicable to the project.

2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

The project includes installation of underground facilities; therefore, this development standard is not applicable to the project.

E. Bridges. Bridges may extend above the maximum height limits.

The project does not include installation of a bridge; therefore, this development standard is not applicable to the project.

SMC 23.60.396 Lot coverage in the CR Environment.

A. Lot Coverage Regulations. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot located in the CR Environment except as modified by subsection B.

According to King County Assessor's information, the parcel (lot size) is approximately 9,184,626 square feet. The project area is approximately 71,100 square feet which is less than one percent of the lot size; therefore, the project meets the lot coverage requirements.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

The project meets the lot coverage requirements; therefore an exception to the lot coverage regulations is not required.

SMC 23.60.398 View corridors in the CR Environment.

A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots except those developed with single-family dwellings.

The project consists of installing underground utility facilities and restoring the existing Parks parking lot, tennis courts, and pedestrian path along the shoreline. The landscape and restoration planting plan includes a variety of trees, shrubs, and groundcover that have been designed to maintain view corridors along the shoreline. Approximately 45% of the shoreline will have unobstructed views.

SMC 23.60.400 Regulated public access in the CR Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront property whether leased to private lessees or not, except where the property is submerged land which does not abut dry land.

Seward Park provides public access to the shoreline and public access will not change. As a component of the site restoration, a pedestrian path will be installed along the eastern perimeter of the tennis courts and along the shoreline. The pedestrian path will be designed in coordination with Parks.

B. Private Property.

- 1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
 - a. Multifamily residential developments containing more than four (4) units with more than one hundred (100) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development; and**
 - b. Other nonresidential non-water-dependent developments.****
- 2. Water-dependent uses and water-related uses located on private property are not required to provide public access.**

The project is not located on private property; therefore, this development standard is not applicable to the project.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

The property is owned by Parks. As a component of the site restoration, a pedestrian path will be installed along the eastern perimeter of the tennis courts and along the shoreline. The pedestrian path will be designed in coordination with Parks.

Shoreline Conditional Use Permits

WAC 173-27-160: Review criteria for conditional use permits.

- (1) Uses that are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

RCW 90.58.020 states, "It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

SPU is proposing to construct improvements to the combined sewer overflow system serving the North Henderson Area, specifically in Basins 44 and 45. CSOs are a combination of untreated sewage and stormwater that outfall into nearby water bodies. The overflow events occur when a combined sewer system reaches capacity during a large rainfall or snowmelt event and overflows into receiving water bodies through outfalls. The overflow of untreated wastewater can pollute receiving water bodies and degrade water quality. Pollutants can include pathogens, oxygen consuming pollutants, solids, nutrients, toxics, and floatable materials that may harm water quality and aesthetics.

In 1994, the Environmental Protection Agency (EPA) published a Combined Sewer Overflow Policy to control untreated discharges from CSOs. Prior to the EPA publication, in 1987 the state legislature directed the Department of Ecology (Ecology) to work with local municipalities to achieve a reasonable reduction in CSOs to the greatest extent feasible (RCW 90.48.480 and Chapter 173-245 WAC). Per Chapter 173-245 WAC, the greatest reasonable reduction is defined as controlling each CSO in such a way to only have an average of one untreated discharge per year per outfall. From 1998 to 2011, Henderson Basin 44 had approximately 17 CSO events per year. The project will reduce the CSO events to meet the requirements of an average of one untreated discharge per year per outfall.

The project site is currently used as a Parks parking area and tennis courts. The project consists of underground facilities that will be located under the tennis courts and parking lot. Upon completion of construction, the parking area and tennis courts will be restored. Additionally, a pedestrian path will be constructed along the shoreline for increased public access and recreational opportunities along the shoreline.

The existing CSO outfall extends into Lake Washington and is in poor condition. Shoreline rehabilitation consists of replacing the existing bulkhead with a rockery wall, shoreline revegetation, and restoring the beach with new rounded-gravel. These features benefit the public and our natural environment.

b. That the proposed use will not interfere with the normal public use of public shorelines;

The project includes installation of underground facilities, replacement of the existing CSO outfall, bulkhead replacement, shoreline restoration, and restoration of the Parks parking lot and tennis courts; therefore, the operational facility will not interfere with normal public use. However, during construction, there will be a temporary restriction in public access to the parking area and tennis courts.

c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

Upon completion of the project, the site will be restored to its current use as a Parks parking lot and tennis courts. The City of Seattle Comprehensive Plan categorizes the project site as City Owned Open Space. The current use is consistent with the comprehensive plan that has designated the area for park use.

d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;

The project includes installation of underground facilities, replacement of the existing CSO outfall, bulkhead replacement, shoreline restoration, and restoration of the Parks parking lot and tennis courts. These project components will be constructed in accordance with federal, state, and local shoreline regulations to ensure no significant adverse impacts to the shoreline environment will occur and, in fact, will be beneficial to the shoreline environment.

e. That the public interest suffers no substantial detrimental effect.

CSOs can create public health and safety risks. The purpose of the project is to reduce the amount of CSOs to the allowable annual threshold of one CSO event per year per outfall. Therefore, the project is a benefit to the public interest. It will also provide shoreline improvements beneficial to the public.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

The purpose of the project is to reduce the amount of untreated CSO discharges in Lake Washington and achieve compliance with state regulations. The project would maintain the existing uses, and would not have adverse impacts to the shoreline environment nor the public. It would preserve the natural character, and protect the resources and ecology of the shoreline. Therefore, this project and similar projects would be consistent with the policies of RCW 90.58.020 that include "insuring the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest, and protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental

thereto.” Additionally, this project and similar projects would likely not produce substantial adverse effects to the shoreline environment, but instead provide benefits.

- (3) Other uses that are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.**

The project is classified in the master program and consistency is demonstrated in the above criteria discussion, along with the enclosed Shoreline Substantial Development and Conditional Use Application Criteria for Approval.

- (4) Uses that are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.**

Utility service uses are allowed in the Conservancy Recreation shoreline environment as a conditional use.