18.50.150 Water quality.

A. During and after construction, all shoreline developments shall minimize any increase in surface runoff through control, treatment, and release of surface water runoff so that the receiving water quality and shore properties are not adversely affected. Control measures include dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust control. All surface water shall be retained on site unless discharge to road ditches or other drainage channels is approved in writing by the County engineer.

B. All industrial, institutional, commercial, residential, recreational, and agricultural uses shall adhere to all required setbacks, buffers, and standards for stormwater. (Refer to shoreline use and environment designation regulations for specific limits.)

C. All shoreline development must comply with the applicable requirements of the Stormwater Management Manual for the Puget Sound Basin or a County-approved program that meets or exceeds the requirements of the manual. (See also SJCC 18.60.060(B) and (C) and 18.60.070.) (Ord. 2–1998 Exh. B § 5.4.12)

(Clearing and Grading/Stormwater Management)

18.50.370 Shoreline Habitat and Natural Systems Enhancement Projects.

Shoreline restoration and beach enhancement.

Definition: Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

A. Regulations.

1. Shoreline habitat and natural systems enhancement projects must have the specific purpose of establishing, restoring or enhancing shoreline habitat. Beach enhancement in all environments shall be undertaken only for restoration, enhancement, or maintenance of natural resources.

2. Shoreline habitat and natural systems enhancement projects must be consistent with the restoration plan of this master program.

3. Shoreline habitat and natural systems enhancement projects must be designed using the best available scientific and technical information and implemented using best management practices.

4. Shoreline habitat and natural systems enhancement projects must not adversely affect ecological functions and processes, including those occurring on nearby shorelines.
   a. Applicants must demonstrate that no significant change in littoral drift will result that will adversely affect adjacent properties or habitats.
   b. Habitat and natural systems enhancement projects are prohibited within spawning, nesting, or breeding habitat and also where littoral drift of the materials used adversely affects adjacent spawning grounds or other areas of biological significance.
5. Shoreline habitat and natural systems enhancement projects must not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

36. **Natural Beach Restoration or Enhancement Projects.**

   a. **Design Alternatives.** Design alternatives shall include the best available technology such as:
      i. Gravel berms, drift sills, beach nourishment, and beach enhancement when appropriate;
      ii. Planting vegetation, when appropriate. All plantings must be maintained. Vegetation planted to restore or enhance beaches shall be non-toxic native plants suited to the habitat characteristics of the site.

   b. **Design Criteria.** Natural beach restoration or enhancement projects shall not:
      i. Detrimentally interrupt littoral drift or redirect waves, current, or sediments to other shorelines;
      ii. Result in any exposed groin-like structures; however small "drift sill" groins may be used as a means of stabilizing restored sediment where part of a well-planned beach restoration program;
      iii. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
      iv. Result in contours sufficiently steep to impede easy pedestrian passage or trap drifting sediments;
      v. Create "additional dry land mass"; and
      vi. Disturb significant amounts of valuable shallow water fish or wildlife habitat, unless such habitat is immediately replaced by new habitat that is comparable or better.

   c. **Natural Beach Restoration Construction Standards.**
      i. The size and/or mix of new materials to be added to a beach shall be as similar as possible to the natural beach sediment, but large enough to resist normal current, wake or wave action at the site.
      ii. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk, or profile (but not enough to obviously create additional dry land mass).

7. Long-term maintenance and monitoring provisions (minimum of three years, but preferably longer) must be included in shoreline habitat and natural systems enhancement project proposals.

8. In the event that a shoreline habitat and natural systems enhancement project may shift the OHWM landward, applicants are advised to work with the County to assess whether and how RCW 90.58.580 might afford relief.

2. Beach enhancement may be permitted when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitats.

4. All shoreline modification activities must be in support of an allowable shoreline use that is in conformance with the provisions of this master program. All
shoreline modification activities not in support of a conforming shoreline use are prohibited.

5. Beach enhancement is prohibited within spawning, nesting, or breeding habitat and also where littoral drift of the materials uses adversely effects adjacent spawning grounds or other areas of biological significance.

6. Beach enhancement is prohibited if it interferes with the normal public use of the navigable waters of the state.

B. Regulations by Environment.

1. **Urban.** Shoreline restoration and beach enhancement shall be permitted in the urban environment subject to the policies and regulations of this SMP.

2. **Rural, Rural Residential, and Rural Farm-Forest.** Shoreline restoration and beach enhancement shall be permitted in these environments subject to the policies and regulations of this SMP.

3. **Conservancy.** Shoreline restoration and beach enhancement shall be permitted in the conservancy environment only by conditional use and where it is demonstrated that conservancy shoreline values will be protected or enhanced.

4. **Natural.** Shoreline restoration and beach enhancement shall be prohibited in the natural environment unless the proposal is to restore natural conditions that have been degraded by conditions other than the erosion-accretion process.

5. **Aquatic.** Shoreline restoration and beach enhancement shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment for the abutting shoreline area. Where the proposed site abuts more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.

6. **Eastsound Urban and Eastsound Marina District.** Shoreline restoration and beach enhancement shall be allowed in these environments only as a conditional use and only if the project is necessary to maintain or improve public recreational facilities or to protect public safety.

7. **Eastsound Residential.** Shoreline restoration and beach enhancement shall be permitted subject to the policies and regulations of this SMP.

8. **Eastsound Conservancy.** Same as conservancy.

9. **Eastsound Natural.** Same as natural.

10. **Shaw Rural and Shaw Rural Farm-Forest.** Same as rural.

11. **Shaw Conservancy.** Same as conservancy.

12. **Shaw Natural.** Same as natural

(Breakwaters, Jetties, Groins, Bulkheads and Shoreline Stabilization are considered within a single section of Shoreline Modifications- with the exception of shoreline modifications for flood hazard reductions- which has its own section.)

18.50.200—Breakwaters, jetties, and groins.

A. Regulations.

1. Breakwaters shall conform to all design requirements established by the State
2. Breakwaters shall be designed and constructed in a manner which will prevent detrimental impacts on the circulation of water, the movement of sand, and on aquatic life. The design shall also be such that impediments to navigation and to visual access from the shoreline shall be minimized.

3. Public breakwaters shall be designed to permit pedestrian use of their surfaces where safe and feasible.

4. Applications for breakwater permits shall include at least the following information:
   a. The purpose of the breakwater;
   b. Direction of net longshore drift, when appropriate;
   c. Direction of prevailing winds and strongest tidal current;
   d. Proposed construction materials; and
   e. Proposed method of construction.

5. Jetties and groins may be permitted only as shoreline conditional uses.

6. Applications for substantial development permits for jetties and groins shall include at least the following information:
   a. Purpose of proposed project;
   b. Proposed type of construction;
   c. Proposed method of construction;
   d. Direction of net longshore drift (jetties only);
   e. Source and normal destination of material to be trapped (groins only);
   f. Proposed beach feeding procedures (where appropriate); and
   g. Source and composition of materials to be used for feeding (where appropriate).

B. Regulations by Designation Environment.

1. Urban. Breakwaters, jetties, and groins shall be permitted in the urban designation environment subject to the policies and regulations of this SMP.

2. Rural. Same as urban.

3. Rural Residential and Rural Farm-Forest. Same as urban.

4. Conservancy. Floating breakwaters may be permitted in the conservancy environment if they can be made visually compatible with their surroundings. Rigid breakwaters shall be allowed only as a shoreline conditional use. Jetties and groins shall be prohibited.

5. Natural. Breakwaters, jetties, and groins are prohibited in the natural environment.

6. Aquatic. Breakwaters shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment applicable to the abutting shoreline area. Where the proposed breakwater site abuts more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.
7. Eastsound Urban, Eastsound Residential, Eastsound Conservancy, and Eastsound Natural. Breakwaters, jetties, and groins are prohibited.
8. Eastsound Marina District. Breakwaters, jetties, and groins are prohibited; however, this shall not preclude the maintenance, expansion or extension of the existing marina basin retaining walls and groins.
9. Shaw Rural and Shaw Rural Farm-Forest. Same as urban.
10. Shaw Conservancy. Same as conservancy.
11. Shaw Natural. Same as natural. (Ord. 2–1998 Exh. B § 5.5.5)

18.50.210 Bulkheads.
A. Regulations.
1. No bulkhead to protect a single-family residence or appurtenant structures shall be constructed until the County has reviewed the proposed construction and determined that the project is or is not exempt from the shoreline permit requirements and is consistent with the policies of the SMA and this SMP.
2. Nonexempt bulkheads shall be permitted only when nonstructural shoreline protection, restoration, or modification techniques have been shown to be ineffective and it can be shown that one or more of the following conditions exists:
   a. Serious erosion is threatening an established use on the adjacent uplands;
   b. A bulkhead is needed and is the most reasonable method of stabilizing an existing beach condition;
   c. There is a demonstrated need for a bulkhead in connection with water-dependent or water-related commerce or industry in an appropriate environment;
   d. A bulkhead is the most desirable method for stabilizing a landfill permitted under this master program.
3. Bulkheads shall not be permitted in conjunction with new projects or development when practical alternatives are available.
4. Bulkheads shall be permitted on marine feeder bluffs only where (a) a clear and significant danger to established development exists and (b) there is reasonable cause to believe that the bulkhead will in fact arrest the bluff recession and will not seriously disrupt the feeder action or the driftway.
5. Bulkheads constructed on Class I marine beaches shall be located behind the berm.
6. All bulkheads shall conform to the design requirements of the Washington Department of Fish and Wildlife, except where such design would be incompatible with protection of the shore process corridor and operating systems.
7. Applications for bulkhead permits shall include at least the following information:
   a. Purpose of proposed bulkhead;
   b. Low, normal, and high elevations, when appropriate;
   c. Direction of net longshore drift, when appropriate;
d. Type of construction proposed; and

e. Elevation of the toe and crest of the proposed bulkhead with respect to water levels.

8. Bulkheads shall be prohibited for any purpose if it will cause significant erosion or beach starvation.

B. Regulations by Environment.

1. **Urban.** Bulkheads shall be permitted in the urban environment subject to the policies and regulations of this SMP.

2. **Rural.** Same as urban.

3. **Rural Residential and Rural Farm-Forest.** Same as urban.

4. **Conservancy.** Bulkheads may be permitted in the conservancy environment on marine shorelines subject to the policies and regulations of this SMP but shall not be allowed on freshwater shorelines.

5. **Natural.** Bulkheads are prohibited in the natural environment.

6. **Aquatic.** Bulkheads shall be permitted in the aquatic environment subject to terms under which bulkheads may be allowed in the abutting shoreline environment and to the policies and regulations of this SMP provided that a location landward of the OHWM is not feasible. Where permitting in the aquatic environment, bulkheads shall be constructed as close to the OHWM as possible.

7. **Eastsound Urban.** Bulkheads shall be permitted in the Eastsound urban environment subject to the provision that, for properties (cf. SJCC 16.55.210(E)(2)(d)) within the geographic scope of the Eastsound Waterfront Access Plan (Resolution 29–1996), new and existing bulkheads are recognized as allowable and may be newly constructed, repaired, maintained, or reconstructed in their present locations or seaward of the OHWM, subject to the regulations and permit requirements of this code.

8. **Eastsound Residential and Eastsound Marina District.** Same as urban.

9. **Eastsound Conservancy.** Same as conservancy.

10. **Eastsound Natural.** Same as natural.

11. **Shaw Rural and Shaw Rural Farm-Forest.** Same as urban.

12. **Shaw Conservancy.** Same as conservancy.

13. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.6)

**Article IV. Shoreline Modification Regulations**

**18.50.360 Shoreline Modifications**

**Definitions:**

Shoreline Modification: means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, dredged basin, fill, bulkhead or other structure.
Shoreline modification may also include other actions such as clearing, grading, or the application of chemicals.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include: Vegetation enhancement; Upland drainage control; Biotechnical measures; Beach enhancement; Anchor trees; Gravel placement; Rock revetments; Gabions; Concrete groins; Retaining walls and bluff walls; Bulkheads; and Seawalls. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

18.50.360 General.

A. Regulations.

1. All applicable federal and state permits shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.

2. All new development activities shall be located and designed to prevent or minimize the need for shoreline stabilization.

3. The County shall require and utilize the following information during its review of shoreline stabilization and flood protection proposals:

   a. Project purpose;
   b. Hydraulic characteristics of water bodies within one-quarter mile on each side of proposed project;
   c. Existing shoreline stabilization and flood protection devices within a quarter of a mile on each side of proposed project;
   d. Construction material and methods;
   e. Physical, geological and soil characteristics of the area;
   f. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
   g. Alternative measures (including nonstructural) which will achieve the same purpose.

4. The County shall require and utilize the following information in its review of all shoreline modification proposals:

   a. Construction materials (e.g., materials used, dimensions, design);
   b. Method of construction (e.g., source of backfill, erosion controls);
   c. Location of project relative to toe and crest of uplands and upland structures;
   d. Ordinary, low, and high water elevations;
   e. Net direction of littoral drift and tidal currents (if any);
   f. General direction and speed of prevailing winds;
   g. Profile rendition of beach and uplands;
   h. Beach type, slope, and material;
   i. Uplands type, slope, and material;
j. Soil types (SCS);
k. Physical or geologic stability of uplands; and
l. Potential impacts upon area shore processes, adjacent properties, and upland stability.

5. Shoreline stabilization measures shall not be designed and constructed in such a manner as to result in channelization of normal stream flows.

6. Stream channel direction modification, realignment, and straightening are prohibited unless they are essential to uses that are consistent with this SMP.

7. Shoreline stabilization shall not be designed in a manner that will permit scouring of the beach at the toe of protective devices nor erosion on the level of the seaward beach.

8. Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with native vegetation.

9. Shoreline stabilization and flood protection works are prohibited in wetlands and on point and channel bars. They are also prohibited in salmon and trout spawning areas except for fish or wildlife habitat enhancement.

All shoreline modification projects are required to obtain an exemption certificate, a substantial shoreline development permit, a shoreline variance or a shoreline conditional use permit prior to commencing. Shoreline modifications including structural shoreline stabilization measures are permitted within the shoreline subject to the procedures set forth below.

a. General Standards.

i. Mitigation Sequencing. Per WAC 173-26-201(2)(e) shoreline modification permits are subject to the mitigation sequence set forth in SJCC 18.50.XXX

ii. In accordance with WAC 173-26-221(2)(c)(iii) if inventories of critical saltwater habitats (defined in WAC 173-26-221) have not been completed, overwater and near shore developments in marine waters may not be approved without an inventory of the site and nearby beach sections to assess the presence of these habitats and their functions. The methods and extent of the inventory shall be consistent with accepted research methodology, in consultation with the Department of Ecology technical assistance materials.

iii. The County shall require and utilize the following information in its review of all shoreline modification proposals:

   a. Construction materials (e.g., materials used, dimensions, design);
   b. Method of construction (e.g., source of backfill, erosion controls);
   c. Location of project relative to toe and crest of uplands and upland structures;
d. Ordinary, low, and high water elevations;

e. Net direction of littoral drift and tidal currents (if any);

f. General direction and speed of prevailing winds;

g. Profile rendition of beach and uplands;

h. Beach type, slope, and material;

i. Uplands type, slope, and material;

j. Soil types (NRCS);

k. Physical or geologic-stability of uplands; and

l. Potential impacts upon area shore processes, nearby properties, and upland stability.

iv. These regulations supplement regulations found in proposed CAO SJCC 18.30.160.E.8.b. In case of conflict, the more restrictive requirement applies.

v. All shoreline stabilization must be designed so that net loss of ecological functions does not occur. In all cases, the feasibility of soft structural shoreline stabilization must be evaluated prior to hard structural stabilization.

1. No bulkhead to protect a single-family residence or appurtenant structures shall be constructed until the County has reviewed the proposed construction and determined that the project is or is not exempt from the shoreline permit requirements and is consistent with the policies of the SMA and this SMP.

2. Nonexempt bulkheads shall be permitted only when nonstructural shoreline protection, restoration, or modification techniques have been shown to be ineffective and it can be shown that one or more of the following conditions exists:

   a. Serious erosion is threatening an established use on the adjacent uplands;

   b. A bulkhead is needed and is the most reasonable method of stabilizing an existing beach condition;

   c. There is a demonstrated need for a bulkhead in connection with water-dependent or water-related commerce or industry in an appropriate environment; or

   d. A bulkhead is the most desirable method for stabilizing a landfill permitted under this master program.

vi. New development and subdivision design.

   a. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Bulkheads shall not be permitted in conjunction with new projects or development when practical alternatives are available.

   b. Subdivision of land shall use geotechnical analysis of the site and shoreline characteristics to demonstrate that lots will not be created that will require shoreline stabilization in order for reasonable development to occur.
c. New development on steep slopes or bluffs shall demonstrate in a geotechnical analysis that the development is set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure (75 years minimum).

d. New development that would require shoreline stabilization which causes significant impacts to adjacent properties and shoreline areas is prohibited.

5. Bulkheads shall be permitted on marine feeder bluffs where:
   (a) a clear and significant danger to established development exists and
   (b) there is reasonable cause to believe that the bulkhead will in fact arrest the bluff recession and will not seriously disrupt the feeder action or the driftway.

6. Bulkheads Structural shoreline stabilization measures constructed on Class I marine beaches shall be located behind the berm.

7. All bulkheads shall conform to the design requirements of the Washington Department of Fish and Wildlife except where such design would be incompatible with protection of the shore process corridor and operating systems.

8. Applications for bulkhead permits shall include at least the following information:
   a. Purpose of proposed bulkhead;
   b. Low, normal, and high elevations, when appropriate;
   c. Direction of net longshore drift, when appropriate;
   d. Type of construction proposed; and
   e. Elevation of the toe and crest of the proposed bulkhead with respect to water levels.

9. Bulkheads shall be prohibited for any purpose if it will cause significant erosion or beach starvation.

   vii. Natural features, such as snags, stumps or uprooted trees which support fish and other aquatic systems, and which do not intrude on the navigational channel or threaten other permitted uses, shall be left undisturbed.

b. Structural Shoreline Stabilization Measures

1. Consistent with WAC 173-26-231 (3)(a)(iii)(B)(I,II,III), if erosion is not caused by conditions upslope of the OHWM and a geotechnical report demonstrates the need for protection, new, expanded and/or replacement shoreline structural stabilization measures are allowed only when necessary to protect the following types of existing development:

   (A) The primary structure or accessory dwelling unit;
(B) Underground utilities and components of a septic system which cannot practicably be relocated.
(C) A road or driveway which cannot practicably be relocated and where there is no other reasonable means of access.
(D) Ecological function restoration projects or hazardous substance remediation projects pursuant to RCW 70.105.D, when nonstructural methods or drainage improvements are not feasible or sufficient and there is no net loss of shoreline ecological functions (173-26-231(3)(a)(iii)(IV)).

2. All structural shoreline stabilization measures shall be considered in the following hierarchy of preference:

   (1) No action (shoreline remains in its existing condition and if subject to erosion, may naturally retreat). Drainage controls or improvements, increased building setbacks, and/or relocation of existing structures must be considered as alternatives.

   (2) Flexible defense works constructed of natural materials including soft structural shoreline stabilization measures, bioengineering alternatives (those incorporating trees, shrubs and other living components), beach nourishment, protective berms, and vegetative stabilization.

   (3) Hard structural shoreline stabilization measures including rigid works constructed of materials such as riprap or concrete.

c. Regulations - New or enlarged structural shoreline stabilization. New structural shoreline stabilization measures, including both hard and soft structural shoreline stabilization measures, are not allowed, except as follows and only when the structural stabilization measure will not result in a net loss of shoreline ecological functions. “Enlargement” of an existing structural shoreline stabilization includes additions to or increases in size (such as height, width, length, or depth) to existing shoreline stabilization measures and these enlargements are considered new structures.

   1. To protect existing primary structures, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization.

   2. In support of new non-water-dependent development, including single-family residences, when all of the conditions below apply:
a. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.

b. Nonstructural measures, such as placing the proposed development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion impacts.

c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical analysis. The damage must be caused by natural processes, such as tidal action, currents, or waves.

3. In support of water-dependent development when all of the conditions below apply:

a. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.

b. Nonstructural measures, such as planting vegetation or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.

c. The need to protect primary structures, including residences, from damage due to erosion is demonstrated through a geotechnical analysis.

4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.

d. Regulations - Expansion, Replacement, and Repair of Existing Shoreline Stabilization

1. Modifications or improvements that include additions to or increases in size of existing shoreline stabilization measures are considered new structures, subject to the provisions of subsection (c), above.

2. For purposes of this section, "replacement" means the construction of a new hard structural shoreline stabilization measure to perform a shoreline stabilization function of an existing hard structural shoreline stabilization measure that can no longer adequately serve its purpose. The following actions must be designed and reviewed as a replacement, subject to the provisions contained in d.5, below:

a. Replacement of greater than 50 (75) percent of the structure or 50 (75) feet of linear length of existing shoreline stabilization, whichever is smaller, within a 3-year time period; or
b. When the existing structure, including its footing or bottom course of rock or other stabilization material, is removed prior to placement of new shoreline stabilization materials.

3. For purposes of this section, “maintenance and repair” includes modifications or improvements to an existing structural shoreline stabilization measure designed to ensure the continued function of the structure by preventing failure of any part. Actions that remove and replace only the material above the footing or bottom course of rock or other stabilization material are regulated as repair or maintenance as outlined in d.4, below.

4. Maintenance and repair of existing structural shoreline stabilization measures is subject to all of the following standards. [Note: repair of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, but it is not exempt from the regulations of this Section or the SMP.]

a. Areas of temporary disturbance within the shoreline buffer must be expeditiously restored to their pre-project condition or better.

b. The placement of a new structural shoreline stabilization measures landward of a failing shoreline stabilization structure is considered a new structure, and is not maintenance or repair.

5. Replacement. The following standards apply to replacement of existing hard and soft structural shoreline stabilization measures [Note: replacement of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, but it is not exempt from the regulations of this SMP]:

a. Replacement stabilization measures shall be treated as a new shoreline stabilization measure subject to the restrictions of B. above, as well as the submittal requirements of G. below, except for the requirement to prepare a geotechnical analysis. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or softer measure if the applicant demonstrates need to protect principal uses or structures from erosion caused by waves or other natural processes operating at or waterward of the OHWM.

b. Replacement hard structural shoreline stabilization measures must not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the primary residence was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure must abut (attached to and waterward of) the existing shoreline stabilization structure. Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure. All other replacement hard structural shoreline stabilization measures must be located at or landward of the existing shoreline stabilization structure.
c. Shoreline stabilization measures may allow some fill waterward of the OHWM to provide enhancement of shoreline ecological functions through improvements in substrate condition or gradient. These types of waterward fills may be approved without a Shoreline Conditional Use Permit.

d. Nonconforming shoreline stabilization measures are not governed by provisions located in [reference new non-conforming provisions SJCC 18.XX.XXX]; instead, they are governed by regulations in this section.

e. **Regulations - General design standards.** When a hard or soft structural shoreline stabilization measure is demonstrated to be necessary, the following design standards must be incorporated into the stabilization design:

1. Soft structural shoreline stabilization measures must be used to the maximum extent practicable for new, enlarged, or replacement shoreline stabilization measures. Hard structural shoreline stabilization measures must be limited to the portion or portions of the site where necessary to protect or support existing shoreline structures or where necessary to connect to existing shoreline stabilization measures on adjacent properties.

2. For enlarged or replacement soft and hard structural shoreline stabilization measures, the following location and design standards are preferred in descending order:

   a. Conduct excavation and fill activities associated with the soft or hard structural shoreline stabilization landward of the existing OHWM to the maximum extent practicable.

   b. Where a. above is not practicable because of overriding safety or environmental concerns, conduct necessary excavation and fill activities waterward of the existing OHWM as needed to implement a soft structural shoreline stabilization technique or to mitigate the impacts of hard structural shoreline stabilization. Fill material waterward of the OHWM may be sand, gravel, cobble, or boulders provided the placement of boulders does not effectively present a continuous wall or face to oncoming waves (also known as rip rap).

3. All approved shoreline stabilization measures must minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities, consistent with SJCC 18.50.070, Environmental Protection, and SJCC 18.50.080, Critical Areas. Impact minimization techniques may include compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.

4. All new, enlarged, or replacement hard structural shoreline stabilization measures must avoid and minimize any long-term adverse impacts to
ecological processes and functions by incorporating the following measures into the design:

a. Limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass;

b. Shifting the hard structural shoreline stabilization landward and/or sloping the hard structural shoreline stabilization landward to provide some dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.

c. Avoiding impacts areas of ecological importance where possible, including significant areas of natural erosion and accretion.

5. Approved new and enlarged shoreline stabilization measures must mitigate any adverse impacts to ecological functions by incorporating the following measures at a minimum into the design if appropriate for local conditions:

a. Restoration of appropriate substrate conditions waterward of the OHWM, to include substrate composition and gradient. The material should be sized and placed to remain stable during a two-year flood event on rivers and under typical tides or boat- and wind-driven wave conditions on lakes or marine waters, including storm events.

b. Plant native riparian vegetation, as necessary, along at least 75 percent of the shoreline linear frontage affected by the new or enlarged stabilization, located along the water’s edge. The vegetated portion of the shoreline buffer must average 10 feet in depth from the OHWM, but may be a minimum of 5 feet wide to allow for variation in landscape bed shape and plant placement. Restoration of native vegetation must consist of a mixture of trees, shrubs, and groundcover and be designed to improve habitat functions. At least 3 trees per 100 linear feet of shoreline must be included in the plan. Plant materials must be native to the ecosystem of the project area. An alternative planting plan or mitigation measure in lieu of meeting these requirements may be allowed if approved by other State and Federal agencies.

c. Additional mitigation measures, including, but not limited to removal of existing armoring, may be required by the County, or State or Federal agencies, depending on the level of impact.

6. The shoreline stabilization measure must be designed to not significantly interfere with normal surface and/or subsurface drainage into the adjacent waterbody.

7. The shoreline stabilization measure must be designed so as not to constitute a hazard to navigation.
8. Stairs or other water access measures may be incorporated into the shoreline stabilization (e.g., steps integrated into the bulkhead, coved area with shallow entry), but must not extend waterward of the shoreline stabilization measure and the OHWM.

9. The shoreline stabilization measure must be designed to ensure that it does not restrict appropriate public access to the shoreline, particularly on publicly financed or subsidized shoreline stabilization measures, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. When a structural shoreline stabilization measure is required at a public access site, provisions for safe access to the water and long-term multiple use must be incorporated into the shoreline stabilization structure design (e.g., steps integrated into the bulkhead, coved area with shallow entry). These works should also consider providing public, pedestrian shoreline access for low-intensity recreation. Access measures should not extend farther waterward than the face of the shoreline stabilization measure and the OHWM. Publicly financed or subsidized shoreline stabilization projects should provide for long term multiple use and shoreline public access. These works should also consider providing public, pedestrian shoreline access for low-intensity recreation.

10. Shoreline stabilization measures must not extend waterward more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.

11. When repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location, any buffers from the OHWM or lot area for the purposes of calculating lot coverage must be measured from the pre-modification location. The pre-modification OHWM must be recorded in a form approved by the County and recorded at the San Juan County Auditor’s Office.

12. If repair or replacement shoreline stabilization measures intended to improve ecological functions shift the OHWM landward of the pre-modification location and result in expansion of the shoreline jurisdiction on any property other than the subject property, the plan may not be approved until the applicant submits a copy of a statement signed by the property owners of all affected properties, in a form approved by the County and recorded at the San Juan County Auditor’s Office, consenting to the shoreline jurisdiction creation and/or increase on such property.

f. Regulations - Specific hard structural shoreline stabilization design standards. In those limited instances when hard structural shoreline stabilization measures, such as bulkheads, are demonstrated to be necessary as outlined in G. below, the following standards must be incorporated into the design:
1. In those limited cases when hard structural shoreline stabilization is proposed on a site where hard structural shoreline stabilization is not located on adjacent properties, the construction of hard structural shoreline stabilization must tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization would not cause erosion of the adjoining properties.

2. When hard structural shoreline stabilization is proposed on a site where hard structural shoreline stabilization is located on adjacent properties, the proposed stabilization may tie in flush with existing stabilization measures on adjoining properties, provided that the new stabilization does not extend waterward of the OHWM, except as necessary to make the connection to the adjoining stabilization, and does not extend onto the adjacent property. In such circumstances, the remaining portion of the stabilization must be placed landward of the existing OHWM such that no net intrusion into the waterbody occurs nor does net creation of uplands occur. The length of hard structural shoreline stabilization transition area to adjacent properties should be minimized to the maximum extent practicable, and extend into the subject property from adjacent properties no more than 10 feet.

3. Fill behind hard structural shoreline stabilization must be limited to 1 cubic yard per running foot of stabilization. Any filling in excess of this amount is considered a regulated activity subject to the regulations in this Chapter pertaining to fill activities and the requirement for obtaining a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit.

g. Soft structural shoreline stabilization design standards. In addition to applicable general design standards and hard structural shoreline stabilization standards above, the following standards must be incorporated into the design:

1. The soft shoreline stabilization design must provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line, provided the stabilization measure does not extend onto the adjacent property. Soft shoreline stabilization projects that include necessary use of hard structural shoreline stabilization measures, as indicated by the appropriate study prepared per G, below, only near the property lines to tie in with adjacent properties may be permitted as soft shoreline stabilization measures. The length of hard structural shoreline stabilization transition area to adjacent properties must be minimized to the maximum extent practicable, and extend into the subject property from the property line by no more than 10 feet. The hard structural shoreline stabilization transition area must not extend waterward of the OHWM, except as necessary to make the connection to the adjoining stabilization, and must not extend onto the adjacent property.

2. The soft shoreline stabilization design must size and arrange any gravels, cobbles, logs, and boulders so that the project remains stable, dissipates wave
and current energy, without presenting extended linear faces to oncoming waves or currents.

h. Additional submittal requirements. In addition to submitting an application for the appropriate shoreline permit, the applicant must submit the following as part of a request to construct a new, enlarged, or replacement shoreline stabilization measure:

1. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical analysis prepared by a qualified professional with an engineering license. The analysis must include the following:

   a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation. New hard structural shoreline stabilization measures will not be authorized, except when an analysis confirms that there is a significant possibility that an existing structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, that analysis may still be used to justify more immediate authorization to protect against erosion using soft measures.

   b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM.

   c. An assessment of alternative measures to shoreline stabilization, including:

      i. Placing the structure farther from the OHWM.

      ii. Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.

   d. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.

   e. An assessment of the anticipated effects of the proposed project on ecosystem processes and functions, including, but not limited to effects on feeder bluffs, drift cells, and eroding shorelines.

   f. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and
2. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant must submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional. The demonstration of need must consist of the following:
   a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.
   b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization.
   c. An assessment of alternative measures to shoreline stabilization, including:
      i. Relocating the development farther from the OHWM.
      ii. Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.
   d. An assessment of the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures. Soft structural shoreline stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
   e. An assessment of the anticipated effects of the proposed project on ecosystem processes and functions, including, but not limited to, effects on feeder bluffs, drift cells, and eroding shorelines.
   f. Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.
   g. A demonstration of need may be waived when an existing hard structural shoreline stabilization measure is proposed to be repaired or replaced using soft structural shoreline stabilization measures, resulting in significant restoration of shoreline ecological functions or processes.

3. For all structural shoreline stabilization measures, including soft structural shoreline stabilization, detailed construction plans, including, but not limited to, the following:
   a. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs.
   b. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation. The sizing and
placement of all materials must be selected to accomplish the following objectives:

i. Protect the primary structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from currents and wind- or boat-driven waves;

ii. Allow safe passage and migration of fish and wildlife; and

iii. Minimize or eliminate juvenile salmon predator habitat.

4. For projects that include native vegetation, a detailed five-year vegetation maintenance and monitoring program to include the following:
   a. Goals and objectives of the shoreline stabilization plan;
   b. Success criteria by which the implemented plan will be assessed;
   c. A five-year maintenance and monitoring plan, consisting of at least one site visit per year by a qualified professional, with annual progress reports submitted to the Director and all other agencies with authority;
   d. A performance standard of 100 percent survival for the first year of growth post installation, with no less than 80 percent survival at the end of the third year; and
   e. A contingency plan and a bond in an amount and form acceptable to the County in case of failure.

I. Breakwaters

1. Breakwaters shall conform to all design requirements established by the State Department of Fish and Wildlife and the U.S. Army Corps of Engineers.

2. Breakwaters shall be designed and constructed in a manner which will prevent detrimental impacts on the circulation of water, the movement of sand, and on aquatic life. The design shall also be such that impediments to navigation and to visual access from the shoreline shall be minimized.

3. Public breakwaters shall be designed to permit pedestrian use of their surfaces where safe and feasible.

4. Applications for breakwater permits shall include at least the following information:
   a. The purpose of the breakwater;
   b. Direction of net longshore drift, when appropriate;
   c. Direction of prevailing winds and strongest tidal current;
   d. Proposed construction materials; and
   e. Proposed method of construction.

5. Jetties and groins may be permitted only as shoreline conditional uses.

6. Applications for substantial development permits for jetties and groins shall include at least the following information:
   a. Purpose of proposed project;
Planning Commission Workshop #3 - 21 Sept. 2012

b. Proposed type of construction;
c. Proposed construction materials;
d. Proposed method of construction;
e. Direction of net longshore drift (jetties only);
f. Source and normal destination of material to be trapped (groins only);
g. Proposed beach feeding procedures (where appropriate); and
h. Source and composition of materials to be used for feeding (where appropriate).

J. Regulations by Designation Environment.
1. Urban. Shoreline modifications Bulkheads shall be permitted in the urban environment designation subject to the policies and regulations of this SMP.
2. Rural. Same as urban.
3. Rural Residential and Rural Farm-Forest. Same as urban.
4. Conservancy. Shoreline modifications Bulkheads may be permitted in the conservancy designation environment on marine shorelines subject to the policies and regulations of this SMP but shall not be allowed on freshwater shorelines.
5. Natural. Shoreline modifications Bulkheads are prohibited in the natural designation environment.
6. Aquatic. Shoreline modifications may be Bulkheads shall be permitted in the aquatic environment designation subject to terms under which bulkheads may be allowed in the abutting shoreline designation environment and to the policies and regulations of this SMP; provided, that a location landward of the OHWM is not feasible. Where permitting in the aquatic designation environment, bulkheads hard structural shoreline measures shall be constructed as close to the OHWM as possible.
7. Ports, Marinas and Transportation. Shoreline modifications shall be permitted in the Ports, Marinas and Transportation designation subject to the provisions of this SMP.
8. Eastsound Urban. Bulkheads shall be permitted in the Eastsound urban environment subject to the provision that, for properties (cf. SJCC 16.55.210(E)(2)(d) within the geographic scope of the Eastsound Waterfront Access Plan (Resolution 29 – 1996), new and existing bulkheads are recognized as allowable and may be newly constructed, repaired, maintained, or reconstructed in their present locations or seaward of the OHWM, subject to the regulations and permit requirements of this code.
9. Eastsound Residential and Eastsound Marina District. Same as urban.
10. Eastsound Conservancy. Same as conservancy.
11. Shaw Rural and Shaw Rural Farm-Forest. Same as urban.
12. Shaw Conservancy. Same as conservancy.
13. Shaw Natural. Same as natural. (Ord. 2 – 1998 Exh. B § 5.5.6)
18.50.310 Ports and water-related port facilities.

Definitions: Marine Port Area means the space in which the shoreline jurisdiction and that of a recognized Port District overlaps.

A. General Regulations.

1. All proposed port development activities shall be consistent with an adopted comprehensive scheme of harbor improvement port development plan.

2. Industrial enterprises which are not water-dependent are not permitted to locate within any marine port area. Industrial enterprises within marine port areas which are not water-related are not permitted to expand into locate within 200 feet of any shoreline.

3. Utilities, roads, parking areas, docks, and other facilities which are installed or constructed to serve ports will be subject to the appropriate sections of this master program.

4. Opportunities for public visual or physical access to port areas must be included as part of each development project to the maximum extent practicable; unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Provided, that such access will not significantly interfere with port operations or endanger public health or safety.

B. Regulations by Designation Environment.

1. Urban. Ports and water-dependent or water-related port facilities may be permitted as conditional uses in the urban environment, subject to the policies and regulations contained in this SMP.

2. Rural. Water-dependent and water-related port development Ports and water-dependent or water-related port facilities directly related to the commercial fishing industry are permitted in the rural designation environment, subject to the policies and regulations contained in this SMP. Other water-dependent or water-related port facilities may be permitted as a conditional use.

3. Rural Residential. Ports and water-dependent or water-related port facilities are prohibited in the rural residential environment.

4. Rural Farm-Forest. Water-dependent and water-related port development Ports and water-dependent or water-related port facilities directly related to the commercial fishing industry are permitted in the rural farm-forest designation environment, subject to the policies and regulations contained in this SMP. Other port uses are prohibited.

5. Conservancy. Ports and water-dependent or water-related port facilities are prohibited in the conservancy environment.

6. Natural. Ports and water-dependent or water-related port facilities are prohibited in the natural environment.

7. Aquatic. Water-dependent and water-related port development Ports and water-dependent or water-related port facilities are permitted in the aquatic designation environment, subject to the policies and regulations contained in this master program and to the regulations by environment designation applicable to the
abutting shoreline area. Where the proposed port or water-dependent or water-related facility would abut more than one shoreline designation environment, the policies and regulations of the most restrictive abutting environment designation shall govern.

8. **Eastsound Urban.** Port facilities are allowed only if public access is provided and if proposed port development is in accordance with a port development plan adopted as a part of this master program. Log dumping and storage, seaplane bases, marine fueling stations, sewage pump-out facilities, and industrial uses are prohibited.

9. **Eastsound Residential, Eastsound Conservancy, Eastsound Marina District, and Eastsound Natural.** Ports are prohibited.

10. **All Shaw Island Environments.** Ports and port facilities are prohibited. (Ord. 2-1998 Exh. B § 5.5.16)

18.50.190 **Boating facilities serving 5 or more residences and Other Overwater Structures and(single or joint use/community docks, piers, mooring floats, mooring buoys and recreational floats) and Other Overwater structures.**

Definitions:
Boating Facilities serving 5 or more residences: Developments and uses that support access to shoreline waters for purposes of boating, including marinas, docks serving five or more single-family residences or multi-family units, public docks, and boat launch facilities serving five or more single family residences.

Moorage Buoy: means an anchored float meeting all Federal and State standards, unconnected to the shoreline, permanently secured to the bottom by permanent moorings and providing a means for mooring a single vessel by use of its anchor chain or mooring lines.

Moorage Float: means a large anchored float with a flat surface no more than one hundred and fifty (150) square feet, unconnected to the shoreline, permanently secured to the bottom by cables and/or chains and providing a means for mooring vessels.

Bulk storage means nonportable storage of fuel, oil, petroleum products and other chemicals in fixed tanks.

Single or joint use/community docks, piers, mooring and recreational floats: A private water-dependent facilities designed for moorage of pleasure craft as the primary use that serves up to four single-family residences or multi-family units. Other water-enjoyment uses, such as fishing or viewing, may occur on single or joint use/community docks.

The strict WAC definition of boating facilities excludes moorage facilities serving four or fewer single-family residences.
Notwithstanding any other provision of this code, all docks, floats, piers or other moorage structures in village and hamlet activity centers, including any breakwater attendant to such moorage structures, except those regulated under subsection (G) of this section (residential docks) shall be prohibited. This provision shall not affect the ability of an applicant to obtain required approvals to repair, replace, enhance, modify, or enlarge any existing dock, float, pier or other moorage structure in a manner consistent with existing law.

A. Exemptions. Docks serving four parcels or fewer, as specified in SJCC 18.50.020(F), are may be exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3)(e)(vii) and WAC 173–27–040(2)(h).

B. General Regulations.

1. All boating facilities serving 5 or more residences and single or joint use/community docks, piers, mooring and recreational floats shall be designed to minimize adverse impacts on marine and aquatic life and the shore process corridor and its operating systems, including restricting boating facilities serving 5 or more residences to the minimum size necessary to meet the needs of the proposed water-dependent use.

2. All boating facilities serving 5 or more residences and single or joint use/community docks, piers, mooring and recreational floats shall be designed to make use of the natural site configuration to the greatest possible degree, and shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

3. All boating facilities serving 5 or more residences and single or joint use/community docks, piers, mooring and recreational floats, including new facilities and modifications or replacements of existing facilities, shall comply with the design criteria established by the State Department of Fish and Wildlife relative to disruption of currents, restrictions of tidal prisms, flushing characteristics, and fish passage to the extent that those criteria are consistent with protection of the shore process corridor and its operating systems, found in table XXX below.

4. Extended mooring on waters of the state is allowed only when consistent with applicable state regulations and when a lease or permission is obtained from the state and impacts to navigation and public access are mitigated. Areas with poor flushing action shall not be considered for overnight or long-term moorage facilities.

5. In general, while only one form of moorage or other structure for boat access to the water shall be allowed on a single parcel such as a dock or a marine railway or a boat launch ramp may be permitted subject to the applicable provisions of this code. A, a mooring buoy may be allowed in conjunction with another form of moorage. However, Multiple forms of moorage or other structures for boat access to the water may be allowed on a single parcel if:

   a. Each form of boat access to water serves a public or commercial recreational use, provides public access, is a part of a marina facility, or serves an historic...
camp or historic resort; or

b. The location proposed for multiple boat access structures is common area
owned by or dedicated by easement to the joint use of the owners of at least
10 shoreline waterfront parcels.

6. Structures on piers and docks shall be prohibited, except as provided for marinas
in subsection (H) of this section.

7. All proposed new boating facilities serving five (5) or more residences may only
be permitted when the applicant has demonstrated that a specific need exists to
support the intended water-dependent use(s).

8. Boating facilities, including docks serving five or more residences, lots, piers,
floats, jetties, lifts, stairs, ramps, and other human-made structures shall not
intrude into or over critical saltwater habitats unless all of these conditions are
satisfied:

(A) The public's need for such an action or structure is clearly
demonstrated and the proposal is consistent with protection of the public trust, as
embodied in RCW 90.58.020;

(B) Avoidance of impacts to critical saltwater habitats by an alternative alignment
or location is not feasible (as defined WAC 173-26-020 (15)), or would result in
unreasonable and disproportionate cost to accomplish the same general
purpose;

(C) The project, including any required mitigation, will result in no net loss of
ecological functions associated with critical saltwater habitat; and

(D) The project is consistent with the State's interest in resource protection and
species recovery.

9. Private, noncommercial single or joint use/community docks, piers, mooring and
recreational floats for individual residential use, or for community use by the
owners of no more than four adjacent or nearby parcels, may be authorized
provided that:

(A) Avoidance of impacts to critical saltwater habitats by an alternative alignment
or location is not feasible; and

(B) The project, including any required mitigation, will result in no net loss of
ecological functions associated with critical saltwater habitat.

10. When feasible, public access and ecological restoration shall be incorporated
into publicly financed projects (see public access provisions of WAC 173-26-
221(4)).
11. All boating facilities, including facilities serving 5 or more residences and single or joint use/community docks, piers, mooring and recreational floats, as well as new facilities and modifications or replacements of existing facilities, shall meet State and Federal permit requirements.

C. General Regulations – Boating Facilities serving 5 or more parcels, Single or joint use/community Docks, Piers, Mooring Buoys, Mooring and Recreational Floats.

1. Multiple use and expansion of existing boating facilities serving 5 or more parcels are preferred over construction of new docks and piers.

2. Multiple use and expansion of existing single or joint use/community docks, piers, mooring and recreational floats, is preferred over construction of new docks and piers.

3. Mooring buoys shall be preferred over docks and piers on all marine shorelines except in the cases of port, commercial, or industrial development in the urban designation environment.

4. Moorage floats, unattached to a pier or floating dock, are preferred over single or joint use/community docks, and piers.

5. Every application for a substantial development permit for single or joint use/community dock, or pier or moorage float construction shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential impacts on littoral drift, sand movement, water circulation and quality, fish and wildlife, navigation, scenic views, and public access to the shoreline.

6. Boating facilities including single or joint use/community docks, mooring and recreational floats, docks, and piers which can reasonably be expected to interfere with the normal erosion-accretion process associated with feeder bluffs shall not be permitted.

7. Abandoned or unsafe boating facilities serving 5 or more lots and single or joint use/community docks, piers, mooring and recreational floats, docks, and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the County may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

7. Unless otherwise approved by shoreline conditional use permit, boats moored at single or joint use/community residential docks, piers, mooring and recreational floats shall not be used for commercial overnight accommodations.

8. Use of a dock for regular float plane access and moorage shall be allowed only by shoreline conditional use permit and shall be allowed only at commercial or public moorage facilities or at private community docks.

D. Regulations – General Design and Construction Standards.

1. Pilings must be structurally sound prior to placement in the water.

2. Chemically treated or coated piles, floats, or other structural members in direct
contact with the water shall be as approved by the Environmental Protection Agency, U.S. Army Corps of Engineers, or applicable state agencies.

3. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high water along marine shorelines or ordinary high water along lakes.

4. All floats shall include stops which serve to keep the bottom of the float off tidelands at low tide or off the substrate in lakes.

5. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, full containment features in the design of the structures shall be required.

6. Overhead wiring or plumbing is not permitted on piers or docks.

7. New or relocated boathouses or covered moorages are prohibited on floats, piers, and docks. Other structures on floats, piers, and docks shall be limited to three feet in height measured from the deck surface.

8. A pier shall not extend offshore farther than 50 feet beyond the extreme low tide contour in marine waters.

9. Dock lighting shall be designed to shine downward, be of a low wattage, and shall not exceed a height of three feet above the dock surface. Lighting shall draw no more than 12 volts, be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink or flash. Exterior lighting fixtures must be shielded and the light must be directed downward and away from wetlands and wetland buffers, as well as lakes, ponds, the marine shoreline, and habitat of specific animals protected as fish and wildlife habitat conservation areas.

10. All construction-related debris shall be disposed of properly and legally. Any debris that enters the water shall be removed promptly. Where feasible, floats shall be secured with anchored cables in place of pilings, provided that the cabling has a mid-line float or some other mechanism to keep the cable from dragging and disturbing the bottom substrates, vegetation and aquatic life.

11. Boating facilities, including buoys, must be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish of all structures must be generally non-reflective. Materials used in dock construction shall be and of a color and finish that will blend visually with the background.

E. Regulations – Boating facilities serving 5 or more parcels, and Single or Joint-Use/Community Piers, Docks, and Floats.

1. No more than one moorage facility shall be allowed as an accessory to any hotel, motel, multifamily residential development, or similar development.

2. Proposals for boating facilities serving 5 or more parcels for joint-use community piers and docks shall demonstrate and document that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties.

3. Recreational floats shall be placed offshore no farther than 200 feet beyond extreme low tide, the minus 3 fathom contour, or the line of navigability.
24. All shoreline waterfront subdivisions approved after the adoption of this SMP shall include or provide for construction of a single or joint-use community moorage facility by the lot owners if moorage is desired by the owners, in a designated, reserved area of the shoreline waterfront. Identification of a moorage site shall not be construed to indicate that a shoreline permit will be granted for that site. Subdivisions located where it would be physically impossible to construct such a facility shall be exempt from this provision. Individual docks and piers shall be prohibited; however, the County may authorize more than one moorage facility consistent with B.5 above if a single facility would be inappropriate or undesirable given the specific site and marine conditions. A legal easement must be dedicated to all lot owners for access to joint-use or community facilities.

36. The dimensional standards in subsection (G)(2) of this section shall apply.

F. Regulations – Commercial/Industrial Docks.

1. Substantial development permits for new docks or piers serving single commercial or industrial enterprises shall not be granted until nearby commercial and industrial enterprises have been contacted regarding their water access needs and plans. Where more than one enterprise needs and could realistically make use of a single moorage facility, permits for individual facilities shall not be granted.

2. Commercial and industrial moorage facilities and other docks and piers consisting of more than 20 moorage spaces shall be subject also to the applicable policies and regulations of this section.

23. Bulk storage for gasoline, oil, and other petroleum products for any use or purpose is prohibited on piers and docks. Bulk storage means non-portable storage in fixed tanks.

34. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.


1. New Shoreline Subdivisions. New subdivisions with shoreline frontage shall be required to provide joint-use or community docks rather than individual, private docks, if any docks are proposed, as set forth in subsection (E) of this section. All shoreline waterfront subdivisions approved after the adoption of this SMP shall include or provide for construction of a single or joint-use community moorage facility by the lot owners if moorage is desired by the owners, in a designated, reserved area of the shoreline waterfront. Identification of a moorage site shall not be construed to indicate that a shoreline permit will be granted for that site. Subdivisions located where it would be physically impossible to construct such a facility shall be exempt from this provision. Individual docks and piers shall be prohibited; however, the County may authorize more than one moorage facility consistent with B.5 above if a single facility would be inappropriate or undesirable given the specific site and marine conditions. A legal easement must be dedicated to all lot owners for access to joint-use or community facilities.
2. **Size and Dimensions of Single and Joint-Use Docks, Piers, and Moorage Floats.**

   a. The maximum dimensions for a new dock (including the pier, ramp, and float) associated with a single-family residence shall not exceed 700 total square feet in area. In addition, the length of the dock (including the pier, ramp, and float) may not extend more than 115 feet in length seaward of the ordinary high water mark. Docks exceeding these dimensions may only be authorized by variance.

   b. The maximum dimensions for a new joint-use dock (including the pier, ramp, and float) associated with two single-family residences shall not exceed 1,400 total square feet in area. In addition the length of the dock (including the pier, ramp, and float) may not extend more than 200 feet in length seaward of the ordinary high water mark. Docks exceeding these dimensions may only be authorized by variance.

   c. The maximum dimensions for a new joint-use community dock (including the pier, ramp, and float) associated with more than two and less than five single-family residences shall not exceed 2,000 square feet in total area. In addition, the length of the dock (including the pier, ramp, and float) may not extend more than 300 feet in length seaward of the ordinary high water mark. If a variance is granted to allow a dock exceeding these dimensions, its construction may only be authorized subject to the regulations for a marina.

   d. The decks of Moorage floats are limited to a maximum of 150 square feet. Maximum length and width of a ramp, pier or dock shall be the minimum necessary to accomplish moorage for the intended boating use.

   *We could use a table in lieu of regulations a-c above to present dimensional and material requirements for single-family docks; note that there are no area limits, just standards for width and length which determine the final area. The following table is example language which incorporates comments and responses from WDFW and Ecology on prior projects in other jurisdictions.*

   **Single-owner and joint-use docks.** The following regulations apply only to new residential docks serving four or fewer residential units. Deviations from the dimensional standards must be approved through a Shoreline Variance.

<table>
<thead>
<tr>
<th>Dock Element</th>
<th>Marine¹</th>
<th>Lake²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>No more than one dock is permitted per platted or subdivided shoreline lot or unplatted shoreline tract owned for residential purposes.</td>
<td></td>
</tr>
<tr>
<td>Type</td>
<td>Must be fixed pile or combination of fixed-pile and</td>
<td>May be fixed-pile or combination fixed-pile and floating</td>
</tr>
</tbody>
</table>

Planning Commission Workshop #3- 21 Sept. 2012
<table>
<thead>
<tr>
<th>Dock Element</th>
<th>Marine$^1$</th>
<th>Lake$^2$</th>
</tr>
</thead>
</table>
| Width        | Pier: 6 feet  
Float: 8 feet  
Ramp: 4 feet | Pier: 6 feet  
Float: 8 feet  
Ramp: 4 feet |
| Length       | Pier and ramp: length as needed to extend float to position where moorage can occur with rise and fall of tides without resulting in either float or vessel grounding or adversely affecting the substrate  
Float length: 30 feet for single-owner, 60 feet for joint-use | If there are existing docks within 300 feet of side property lines:  
- Single-owner docks must be no longer than the average length of those docks as measured from the OHWM.  
- Joint-use docks must be no longer than 15 feet greater than average length of those docks as measured from the OHWM.  
If there are no existing docks within 300 feet of side property lines, proposals for private, joint use, or community docks must show reasonable justification to exceed 50 feet in length from OHWM |
| Area         | Contingent on site-specific conditions and above parameters | The bottom of any piers or the landward edge of any ramp must be the maximum height practicable, but not less than 1.5 feet above the OHWM. The freeboard height on all floats must be at least 10 inches. |
| Height       | The bottom of any piers or the landward edge of any ramp must be the maximum height practicable, but not less than 1.5 feet above the OHWM. The freeboard height on all floats must be at least 10 inches. | The bottom of any piers or the landward edge of any ramp must be the maximum height practicable, but not less than 1.5 feet above the OHWM. The freeboard height on all floats must be at least 10 inches. |
| Decking      | Pier: grating not required if width is 4 feet or less, otherwise decking must provide at least 30 percent functional grating  
Single-use Float: 30 percent functional grating required if float is 6 feet wide or less, floats greater than 6 feet wide require 50 percent functional grating  
Joint-use Float: 50 percent | Pier: grating not required  
Single-use Float: 30 percent functional grating required if float is 6 feet wide or less, floats greater than 6 feet wide require 50 percent functional grating  
Joint-use Float: 50 percent functional grating  
Ramps: fully grated |
### Dock Element

<table>
<thead>
<tr>
<th>Dock Element</th>
<th>Marine¹</th>
<th>Lake²</th>
</tr>
</thead>
<tbody>
<tr>
<td>functional grating</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Ramps: fully grated</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Boat/ Watercraft lifts</th>
<th>Not permitted</th>
<th>1 free-standing boatlift and up to 2 personal watercraft lifts per dwelling unit</th>
</tr>
</thead>
</table>

| Covered moorage / watercraft lift canopies | Not permitted | • New covered moorage is not permitted  
• Boatlifts may have canopies provided they are constructed of light permeable fabric. |

¹ Proposed standards derived from U.S. Army Corps of Engineers Regional General Permit 6. Local WDFW habitat biologist also referred to the RGP 6 standards (Thompson, pers. comm., 20 January 2012).

² Proposed standards derived from discussion with WDFW and RGP 3 standards developed by Corps.

### 3. Size and Dimensions of Boating Facilities including Docks and other facilities serving more than 5 residences.

a. No part of a boating facility dock may be wider than 8 feet, except that the Director may approve community dock components up to 10 feet wide if justified in documentation submitted consistent with O, below.

b. Boating facility docks must be no longer than necessary to accommodate the intended use, consistent with the demand analysis provided per O below, with a maximum of 250 feet measured perpendicularly from the OHWM. Up to 50 feet of additional length may be approved without a Shoreline Variance if the additional length is needed to reach adequate moorage depth. The extra length will not be allowed if the extension would interfere with navigation or other public uses of the water.

c. Boating facility docks must be designed to accommodate no more than 0.75 boats per residential unit that shares a legal interest.

d. One additional boat moorage location for guests may be included in the design for every ten residential units served.

### 43. Side Yard Setbacks. Docks shall be set back a minimum of 10 feet from side property lines. However, a joint-use or community dock may be located adjacent to or upon a side property line when mutually agreed to by contract or by covenant with the owners of the adjacent property. A copy of such covenant or
contract must be recorded with the County auditor and filed with the approved permit to run with the title to both properties involved.

4. Development of a dock on a lot intended for single-family residential purposes shall require a shoreline substantial development permit or a statement of exemption issued by the County.

65. Applications for nonexempt docks and piers associated with single-family residences shall not be approved until:
   a. It can be shown by the applicant that existing facilities are not adequate or feasible for use;
   b. Alternative moorage is not adequate or feasible; and
   c. The applicant shall have the burden of providing the information requested for in subsections (Aa) and (Bb) of this section above, and shall provide this information in a manner prescribed by the Director administrator.

H. Regulations – Marinas.
   1. No part of a marina may be wider than 8 feet, except that the Director may approve marina components up to 10 feet wide if justified in documentation submitted consistent with O. below.
   2. Marinas must be no longer than necessary to accommodate the intended use, consistent with the demand analysis provided per O below, with a maximum of 250 feet measured horizontally from the OHWM. Up to 50 feet of additional length may be approved without a Shoreline Variance if the additional length is needed to reach adequate moorage depth. The extra length will not be allowed if the extension would interfere with navigation or other public uses of the water.
   3. Dredging or filling of wetlands for the sole purpose of constructing a marina shall be prohibited.
   4. No marina shall be approved for construction within one-half mile of any outfall of primary treated domestic or industrial sewage except as a conditional use.
   5. All service facilities within or associated with a marina shall include provisions to prevent pollutants from entering the water.
   6. Commercial covered moorages may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be necessary over water.
   7. Marina-related structures or uses which are not in and of themselves shoreline water-dependent shall not be located over water.
   8. Marinas shall be sited to prevent any restrictions in the use of commercial and recreational shellfish beds and in compliance with the Washington Department of Health’s “Environmental Health Guidelines for Marina Development and Operation.”
   9. The incorporation of reasonable public access use facilities into public marina design shall be required. Marinas may include specific areas restricted for security reasons.
   10. Marinas shall be designed to minimize their adverse effects on the scenic qualities of the shorelines.
119. Surface runoff from marina areas shall be controlled so that pollutants will not be carried into water bodies.

1240. Marinas shall not be permitted on Class I beaches or where their presence would interrupt driftways feeding Class I beaches.

1344. Where landfill is permitted, it shall be only for the necessary water-dependent portions of the facility and shall conform to the policies and regulations of SJCC 18.50.360 and 18.50.370. Landfill shall not be permitted for the creation of parking areas unless no feasible alternative exists and the creation of a parking area would be consistent with the policies of this SMP and with the public interest.

1412. Parking areas associated with marinas shall be subject to the policies and regulations of SJCC 18.50.340, Transportation facilities.

1543. Liveaboards may be allowed in marinas, provided the marina requires use of best management practices and has facilities governing proper disposal of sewage, oil and hazardous substances, gray water, and solid wastes in accordance with federal, state, and local laws.

13. Marinas shall be subject to the general design and construction standards for docks in subsection (D) of this section.

I. Regulations – Boat Launches (including marine railways).

1. Boat launching ramps and marine railways shall be designed so as not to obstruct longshore drift.

2. Residential Launch Ramps. Boat launching ramps may be permitted for individual residences where the upland slope within 25 feet of the OHWM does not exceed 25 percent and where substantial cutting, grading, filling, that exceeds 250 cubic yards or defense works are not necessary.

3. Boat launching ramps, minor accessory buildings, and haul out facilities shall be designed to be in character and scale with the surrounding shoreline. Specific dimensions of proposed new or expanded boat launches must be determined through the process established in O below.

4. Boat launching ramps and marine railways shall not be permitted on Class I beaches or where their presence would interrupt driftways feeding Class I beaches.

5. Marine railways for boat launching shall be located on existing grade, avoiding landfill where feasible, and shall not obstruct public access to and along the shoreline and across publicly-owned tidelands. When a boat is hauled out of the water, it shall be screened if it remains on the marine railway. A boathouse at the landward end of a marine railway, above the OHWM, is allowed in conjunction with a marine railway subject to the general regulations of this SMP.

J. Regulations – Mooring Buoys.

1. Buoys shall not interfere with navigation or public access, and shall be visible in daylight 100 yards away. Buoys shall have reflectors for night visibility.

2. Mooring buoys shall be installed so as not to interfere with or obstruct legally existing piers, docks, floats, or other buoys.
2. Mooring buoys shall be placed at a distance specified by State and Federal agencies with authority to avoid nearshore habitat and to minimize obstruction to navigation.

3. Commercial or recreational mooring buoys may be permitted provided that they are consistent with this Program and that individually or cumulatively:
   i. They do not impede the ability of other landowners to access private property; and
   ii. They do not pose a hazard to or obstruct navigation or fishing; and
   iii. They do not contribute to water quality or habitat degradation; and
   iv. They do not pose a threat to a commercial shellfish growing area classification or reduce the ability to upgrade the classification.

4. The installation and use of mooring buoys (including commercial and recreational buoys) in marine waters shall be consistent with all applicable state laws, including WAC 246-282, the current National Shellfish Sanitation Program standards (NSSP), and other state Departments of Fish & Wildlife, Health, and/or Natural Resources standards.

5. Private recreational mooring buoys on state-owned aquatic lands shall not be used for residential (living on the boat) or commercial purposes.

6. Mooring buoys shall be located to:
   i. Avoid eelgrass beds and other critical saltwater habitats; and
   ii. Prevent obstruction to navigation.

7. Mooring buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state-approved designs that have minimal adverse effects on aquatic ecosystem and fish.

8. Mooring buoys shall be clearly marked and labeled with the owner’s name and contact information and permit number(s).

9. The County shall plan for and coordinate with other agencies to control the placement and number of mooring buoys within bays and other areas to protect water quality and/or habitat and ensure that transit channels are maintained.

10. The capacity of each mooring buoy shall not exceed one (1) boat and its appurtenant shore access craft.

11. As appropriate, applications for mooring buoys shall entail a shoreline exemption determination or a substantial development permit.

K. Regulations – Recreational Floats.
   1. Recreational floats shall be placed offshore no farther than 200 feet beyond extreme low tide or the line of navigability, whichever is closest to shore
(WAC 332–30–148(2)).

2. Private recreation floats serving four or fewer dwelling units must be no longer or wider than 12 feet.

3. Recreation floats must be located at least 10 feet from side property lines, unless designated as joint-use structures between two or more adjoining shoreline waterfront properties.

4. A maximum of one recreation float may be approved per shoreline waterfront property.

L. **Replacement of Existing Boating Facilities serving 5 or more residences and Single or joint use/community docks, piers mooring and recreational floats.**

The alteration of legal non-conforming boating facilities is governed by these regulations in lieu of SJCC 18.XX.XXX.

1. If any of the following activities are proposed during a five-year period, the project is considered a new boating facility serving 5 or more residences and must be designed consistent with any applicable design standards for new boating facilities serving 5 or more residences or in this section.
   a. Replacement of the entire existing over-water facility; or
   b. Replacement of 75 percent or more of support piles; or
   c. Replacement of 75 percent or more of an existing boat launch.

2. If any of the following activities are proposed during a five-year period, the project is considered a new single or joint use/community dock, pier, moorage or recreational float and must be designed consistent with any applicable design standards in this section.
   a. Replacement of the entire existing over-water facility; or
   b. Replacement of 75 percent or more of support piles; or
   c. Replacement of 75 percent or more of an existing boat launch.

3. The Director may approve an alternative design without a Shoreline Variance if it meets all of the following criteria:
   a. All appropriate Federal agencies have already approved the proposal;
   b. Any adverse ecological impacts are fully mitigated; and
   c. The total square footage of the replacement facility is no larger than the existing facility.

M. **Additions to Boating Facilities serving 5 or more residences and single or joint use/community docks, piers, mooring and recreational floats.** Proposals involving the modification or enlargement of existing boating facilities serving 5 or more residential parcels and single or joint use/community docks, piers, mooring and recreational floats must comply with the following measures:
1. The applicant must demonstrate that there is a need for the enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.

2. Enlarged portions of boating facilities serving more than 5 residences and single or joint use/community docks, piers, mooring and recreational floats must comply with any applicable design and mitigation standards.

N. Repair of Existing Boating Facilities serving 5 or more lots and single or joint use/community docks, piers, moorage and recreational floats.

1. Repairs to existing legally established boating facilities and single or joint use/community docks, piers, mooring and recreational floats that fall below the standards identified in L.1 are permitted consistent with all other applicable codes and regulations.

2. All repairs must utilize any material standards specified for new facilities.

O. Regulations - Submittal Requirements.

1. For all new or expanded boating facilities serving 5 or more lots including boat moorage or launching facilities, applicants must provide an assessment of demand, including, but not limited to, the following:
   a. The total amount of moorage proposed (except for boat launch facility proposals);
   b. For new or expanded facilities proposing permanent or temporary moorage, the existing supply of temporary or permanent moorage spaces within the service range of the proposed facility, including vacancies or waiting lists at existing facilities. The service range is a site-specific determination made by the applicant considering the proposed facility location and proximity to other locations within either boating or driving distance;
   c. For new or expanded boat launch ramps, identification of the nearest existing boat launch facility, the expected or current level of use of the new or expanded boat launch ramp, and any other relevant factors related to the need for safe or efficient access to public waters, if that information supports justification for specific design elements;
   d. Prior to providing boat launch facilities at a new location, documentation must be provided demonstrating that expansion of existing launch facilities would not be adequate to meet demand.
   e. The expected service population and boat ownership characteristics of the population, if that information supports justification for specific design elements related to facility length or necessary water depth; and/or
   f. Existing approved facilities, or pending applications, within the service range of the proposed new facility.
2. Additional studies for new or expanded boating facilities.
   a. Applicants must provide habitat surveys and critical area studies consistent with future CAO SJCC 18.30.160 and the mitigation procedures set forth in this program.
   b. If the project results in unavoidable adverse impacts to ecological functions or processes, a mitigation plan must be prepared.
   c. In addition, the mitigation plan must discuss how the proposed project avoids and minimizes impacts consistent with the facility’s sizing needs, which are to be based on the results of any habitat survey/critical area study and the demand analysis prepared under J.1 above.
   d. A slope bathymetry map may be required when deemed beneficial by the Director for the review of the project proposal.
   e. An assessment of existing water-dependent uses in the vicinity and documentation of potential impacts to those uses and mitigating measures.

3. New public boat launch facilities may be approved only if they provide public access to public waters that are not adequately served by existing access facilities, or if use of existing facilities is documented to exceed the designed capacity.

PK. Regulations by Designation Environment.

1. Urban. Marinas, marine railways, docks, and boat launches shall be permitted in the Urban environment subject to the policies and regulations of this SMP.

2. Rural. Same as urban.

3. Rural Residential and Rural Farm-Forest. Boat launches, marine railways, and boathouses associated with them may be allowed as conditional uses only. Other boating facilities serving single-family residences, and community docks, shall be permitted in these environments subject to the policies and regulations of this SMP. Marinas shall not be permitted; however, the expansion or alteration of a marina legally established prior to the effective date of this code may be allowed subject to the policies and regulations of this SMP.

4. Conservancy. Boat launches, marine railways, and boathouses associated with them, may be allowed as conditional uses only. Other boating facilities serving single-family residences and community docks shall be permitted in these environments subject to the policies and regulations of this SMP. Marinas shall not be permitted.

5. Natural. Marinas, boat launches, docks, boathouses, and marine railways are prohibited in the natural environment.

6. Aquatic. Marina facilities, docks, and boat launches which are shoreline water-dependent shall be permitted in the Aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment applicable to the abutting shoreline area. Where a proposed boating facility abuts more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.

7. Eastsound Urban. Boating facilities shall be allowed only in accordance with moorage facility provisions specified in an adopted public access plan for public
access purposes.

8. **Eastsound Marina District.** Boating facilities other than marina-related uses are allowed only within the marina waterway.

9. **Eastsound Residential, Eastsound Conservancy, and Eastsound Natural.** Boating facilities are prohibited.

10. **Shaw Rural.** Same as urban, unless specified otherwise in the Shaw Island Subarea Plan.

11. **Shaw Rural Farm-Forest.** Same as rural farm-forest, unless specified otherwise in the Shaw Island Subarea Plan.

12. **Shaw Conservancy.** Same as conservancy.

13. **Shaw Natural.** Same as natural. (Ord. 7-2005 § 13; Ord. 12–2000 § 2; Res. 145–1998; Ord. 2–1998 Exh. B § 5.5.4)

18.50.230 Dredging and Dredge Material Disposal.

A. Regulations.

1. Dredging and dredge material disposal must be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided must be mitigated in a manner that assures no net loss of shoreline ecological functions.

2. New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

3. Dredging may be permitted only for the following purposes and only where other alternatives are impractical;

   a. To improve water quality or aquatic habitat;

   b. To establish, expand, relocate or reconfigure navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins must be restricted to maintaining previously dredged and/or existing authorized location, depth, and width; To maintain or improve navigability or water flow;

   c. To mitigate conditions which could endanger public safety; or

   d. To create or improve public recreational opportunities.

4. Dredging for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions.

5. All dredge spoils shall be deposited at spoils deposit sites which are consistent with the policies and regulations of this master program.

6. Applications for substantial development permits for dredging shall include at least the following information, in addition to other necessary application materials.

   a. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this SMP.

   b. A detailed description of the physical character, shoreline geomorphology, and biological resources in the area proposed to be dredged, including:
i. a. Location, and size, and physical characteristics of the proposed dredging site;

ii. A site plan outlining the perimeter of the area proposed to be dredged. The site plan must also include the existing bathymetry and have data points at a minimum of two-foot depth increments.

iii. A habitat survey conducted according to the most recent WDFW eelgrass/macroalgae survey guidelines, if applicable.

iii. b. Information regarding the stability of bedlands adjacent to proposed dredging site.

iv. Tidal fluctuation, current flows, direction, and degree of change.

c. A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:

i. Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).

ii. Chemical analysis of material to be dredged (volatile solid, chemical oxygen demand, grease and oil content, mercury, lead and zinc content, etc.).

iii. Biological analysis of material to be dredged.

d. A description of the anticipated dredging operations, including:

i. e. Total initial spoils volume.

ii. Frequency and volume of anticipated maintenance dredging; and

iii. Method of dredging, including facilities for settlement and movement.

iv. Length of time required.

B. Regulations by Designation Environment.

1. Urban. Dredging and spoils disposal shall be permitted in the urban designation environment subject to the policies and regulations of this SMP.

2. Rural, Rural Residential, and Rural Farm-Forest. Dredging shall be permitted in these designations environments subject to the policies and regulations of this SMP. Spoils disposal sites shall be permitted only if it can be shown that the disposal site will ultimately be used for an activity permitted in the affected designation environment.

3. Conservancy. Dredging within the conservancy designation environment shall be limited to maintenance of existing navigation channels and facilities. Spoils disposal shall be limited to existing sites designated by the Department of Natural Resources.

4. Natural. Dredging and spoils disposal shall be prohibited in the natural environment.

5. Aquatic. Dredging shall be permitted in the aquatic designation environment subject to the abutting shoreline designation area. Where the proposed site abuts more than one shoreline designation environment, the policies and regulations of the most restrictive abutting designation environment shall govern. Spoils disposal is prohibited in the aquatic designation environment.
6. **Eastsound Urban and Eastsound Marina District.** Dredging shall be allowed in these environments only if the applicant demonstrates that dredging is necessary to maintain or improve public recreational facilities or to protect public safety.

7. **Eastsound Residential.** Dredging is prohibited; provided, that dredging which is necessary to establish a small boat launch ramp may be allowed if associated with a public waterfront park. Spoils disposal is prohibited.

8. **Eastsound Conservancy and Eastsound Natural.** Dredging and spoils disposal is prohibited in these environments.

9. **Shaw Rural and Shaw Rural Farm-Forest.** Same as rural.

10. **Shaw Conservancy.** Same as conservancy.

11. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.8)

8. **Eastsound Conservancy and Eastsound Natural.** Shoreline modification for stabilization and flood control works are prohibited in these environments.

9. **Shaw Rural and Shaw Rural Farm-Forest.** Same as rural.

10. **Shaw Conservancy.** Same as conservancy.

11. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.6.1)

18.50.XXX **Flood Hazard Reduction.**

Flood Hazard Reduction: means structural and non-structural methods to reduce flood damage or hazards to uses and shoreline modifications that may increase flood hazards. Non-structural measures include setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs. Structural measures include, but are not limited to; dikes, levees, revetments, floodwalls, channel realignment and elevation of structures consistent with the National Flood Insurance program.

**A. General Regulations.**

1. Structural flood hazard reduction measures shall be a conditional use in all shoreline designations.

2. Development or uses in floodplains shall, consistent with applicable flood hazard plans and regulations, avoid significantly or cumulatively increasing flood hazards.

3. New structural flood hazard reduction measures may be allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development or uses, that nonstructural measures are not feasible, that impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken.

4. New structural flood hazard reduction shall be placed landward of associated wetlands and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below.

5. The following uses and activities may be authorized:
a. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

b. Bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs and the long-term maintenance or repair costs are not significantly different between options inside or outside of the floodway. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.

c. Repair and maintenance of an existing legally established use, provided flood hazards to other uses are not increased, and that the new development includes appropriate protection of ecological functions.

d. Development, as defined in Chapter 36.70A RCW, where structures exist that prevent flooding and where necessary for protection of existing structures or public safety.

e. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with geo-morphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions.

6. The removal of gravel for flood management purposes is prohibited.

7. The County shall require the applicant to provide the following information during its review of shoreline flood management projects and programs.
   a. Flood hazard area characteristics adjacent to the project area;
   b. Existing shoreline stabilization and flood protection works within the area;
   c. Physical, geological and soil characteristics of the area;
   d. Biological resources and predicted impact to fish, vegetation and animal habitat associated with shoreline ecological systems;
   e. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
   f. Analysis of alternative flood protection measures, both structural and nonstructural.

8. The County shall require engineered design of flood protection works where such projects may cause interference with normal geo-hydraulic processes leading to erosion or adverse effects to shoreline resources and uses.