



Skagit County Planning & Development Services

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Memorandum

To: Planning Commission
From: Betsy Stevenson
Date: May 26, 2015
Re: SMP Final Planning Commission Pre-Release Review for June 2 Meeting

Background

The County has been working on the SMP since 2011. Visioning workshops were held in Concrete, Lyman, Mount Vernon and Anacortes in June and July 2011. The Board of County Commissioners appointed a 17-member advisory committee to review draft materials and advise County staff throughout the process. The Department accepted comments on the first working draft document in May-June 2012. Open houses were held in May and June 2013 in Mount Vernon, Anacortes, Lyman and Concrete to discuss the SMP with the public and receive comments. The Department accepted comments on the first working draft document in May-June 2012. The Planning Commission has already held two rounds of study sessions on drafts of the SMP.

Process Going Forward

As we complete revisions to various sections of the draft plan, we are bringing those sections to the Planning Commission for your final review and comment before we release them as the complete proposal for public comment. We hope that you will review the sections attached to this memo and send us comments and questions on typos, incorrect cross-references, or other minor issues in advance; save only substantial questions or discussion points for the Planning Commission meeting so that we can stay on schedule. New PC members who are unfamiliar with the document and the process should feel free to arrange a meeting with me so that we can prepare you for the meetings and hearings.

We anticipate bringing the remaining sections to the Planning Commission for final pre-release review in a few weeks. We are *tentatively* scheduling release of the SMP Update for public comment late summer or fall; there will be a public hearing and at least a 60-days written comment period. The Planning Commission will have at least two work sessions after the public comment period to generate its recommendation on the SMP; the Board of Commissioners will then approve the draft SMP for forwarding to Ecology for their approval before it will return to the Board for final adoption.

Where We Are Now

Since completion of last year's annual Comprehensive Plan amendments, staff have returned attention to the SMP Update and have been working through the Planning Commission's comments from last year as well as general organization and streamlining.

For this next meeting, we have focused on Part IV, Shoreline Uses and Modifications, and Part VIII, Definitions.

SCC 14.26.425 Breakwaters, and former SCC 14.26.460 Jetties and Groins

We have combined breakwaters with jetties and groins for a new section titled “Breakwaters, Groins, and Jetties.” We addressed the PC concern about requiring an engineering license in the State of Washington through a change in the definition and use of the word “qualified professional.” We will use “qualified professional” in the future anytime we have used the word “engineer” or “engineering geologist.”

To avoid listing the following requirements in every use section, we modified the general application requirements in SCC 14.26.710(b) to add additional studies if necessary.

- (b) The Administrative Official may require additional specific information or geotechnical, hydrological, or biological studies if required by the nature of the proposal or the presence of sensitive ecological features, to ensure compliance with other local requirements or the provisions of this SMP.

SCC 14.26.430 Commercial Development

We also added a new general application requirement that:

- (c) Where this SMP requires a demonstration that a use meets the definition of a water-oriented use (i.e., water-dependent, water-related, or water-enjoyment use), the application must demonstrate that to the satisfaction of the Administrative Official.

SCC 14.26.435 Dredging and Dredge Material Disposal

We did not add reference to SCC 14.34, Flood Damage Prevention, to note exemptions for drainage infrastructure from the requirement to obtain a shoreline substantial development permit, as those exemptions are listed in the SMP appendix listing all SDP exemptions, which are set by RCW and WAC.

We added MTCA and CERCLA to the acronyms sheet at the front of the SMP.

We moved some paragraphs under “Development Standards” into “When Allowed.”

Part VIII Definitions

We have included the definitions we believe are ready. We have reviewed each term in this section for how it is used throughout the SMP. Many more definitions are coming in future drafts.

Because the terms in each Part IV use section are largely *only* used within the use section, we have inserted the definition of the term into the section text itself. The term will also be defined in Part VIII, Definitions, with a cross-reference to the use section in Part IV. We use a cross-reference to avoid duplicating definitions, which is a bad practice and would invariably lead to conflicts.

Readers of the final code online will see a dotted underline under every instance of the term anywhere in Chapter 14.26; moving your mouse over the term will pop up a “hover definition” which will refer you to the corresponding use section. The uses will also then be linked from their appearance in the Uses and Modifications Matrix directly to the corresponding use section.

What's Next?

At your next Shoreline work session(s), we plan to provide you with the following updated sections. We will send some of these sections before your June 2 meeting if we can.

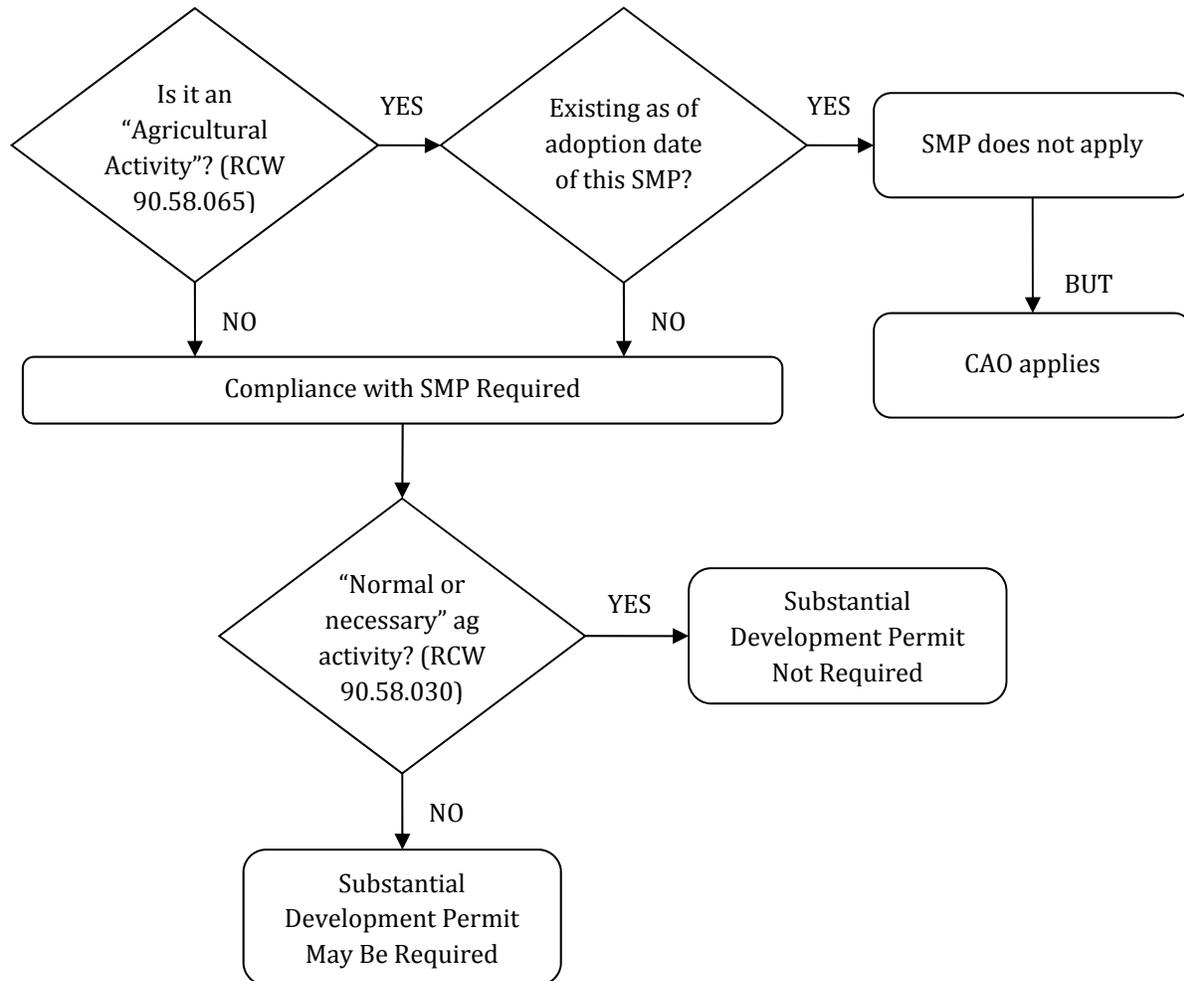
- **14.26.400 General Provisions**
- **14.26.405 Uses and Modifications Matrix**
- **14.26.415 Aquaculture**
- **14.26.420 Boating Facilities, Mooring Structures, and Recreational Floats**
- **14.26.445 Forest Practices**
- **14.26.450 Industry**
- **14.26.455 Instream Structures**
- **14.26.460 Mining**
- **14.26.465 Recreational Development.**
- **14.26.470 Residential Development.**
- **14.26.475 Shoreline Habitat and Natural Systems Enhancement Projects**
- **14.26.480 Shoreline Stabilization**
- **14.26.485 Transportation and Parking**
- **14.26.490 Utilities**
- **Part VIII: Definitions (complete)**

Reminder: all the RCW and WAC references that are in brackets at the end of various sections will be removed when the final document is assembled.

As always, if you have questions or thoughts you'd like to share, please feel free to contact me. betsyds@co.skagit.wa.us or (360) 416-1323. Thank you for your time and thoughtful consideration. It has been very valuable.

14.26.410 Agricultural Activities

- (1) **Applicability.** The Shoreline Management Act includes two different exemptions for agriculture—an exemption from all provisions of the SMP, and a more limited exemption from the requirement to obtain a shoreline Substantial Development Permit.



- (a) **SMP-Exempt Activities.** If the activity qualifies as “agricultural activities” on “agricultural land,” as defined in Part VIII, and the activity existed as of the date of adoption of the SMP, then the provisions of this SMP, including subsections (ii)-(iii) below, do not apply and no shoreline permit is required for that qualifying activity.
- (i) In all other cases not specifically exempted from the SMA, all substantive SMP provisions apply. For example, the following activities are not exempt from the SMP:

- (A) new agricultural activities on land not meeting the definition of agricultural land;
 - (B) expansion of agricultural activities onto non-agricultural lands or conversion of non-agricultural lands to agricultural activities;
 - (C) conversion of agricultural lands to other uses;
 - (D) replacement of agricultural facilities closer to the shoreline than the original facility;
 - (E) other development on agricultural land that does not meet the definition of agricultural activities.
- (ii) “Maintaining, repairing, and replacing agricultural facilities” includes modernization and replacement of existing facilities and new construction of agricultural facilities related to existing agricultural activities on existing agricultural lands.
- (iii) An SMP-exempt activity must still comply with the provisions of SCC 14.24, the Critical Areas Ordinance:
- (A) If the activity qualifies as “ongoing agriculture” as defined in SCC 14.04.020, the activity must comply with the special provisions of SCC 14.24.120, Ongoing Agriculture.
 - (B) If the activity does not qualify as “ongoing agriculture,” then the standard provisions of SCC 14.24 apply.
- (b) Permit-Exempt Activities. If an activity does not qualify for the exemption described in paragraph (1)(a) above, it may still qualify for an exemption from the requirement to obtain a shoreline Substantial Development Permit under [RCW 90.58.030\(3\)\(e\)](#) and [WAC 173-27-040\(2\)](#). Pursuant to [WAC 173-27-040\(1\)](#), such exemptions are to be construed narrowly, and an exemption from the substantial development permit process is not an exemption from compliance with the SMP. For example, the following construction and practices normal or necessary for farming, irrigation, and ranching activities are permit-exempt:
- (i) agricultural service roads and utilities on shorelands;
 - (ii) construction of a barn or similar agricultural structure;
 - (iii) construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels;

- (iv) operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;
- (v) operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

(2) **Development Standards.** In addition to the provisions of SCC 14.24, Critical Areas Ordinance, including the provisions of SCC 14.24.120 for Ongoing Agriculture where applicable, the following standards apply:

- (a) No Net Loss of Ecological Function. Agricultural uses and development in support of agricultural uses must be located and designed to ensure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.
- (b) Erosion control - Agricultural practices, excluding riprap and levees/dikes, must prevent and control erosion of soils and bank materials within shoreline areas. Control measures must conform to guidelines and standards of the US Department of Agriculture Natural Resources Conservation Service.
- (c) Pesticides and herbicides - Pesticides and herbicides must be handled, applied, and disposed of in accordance with provisions of the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Control Act (RCW Chapter 15.58).
- (d) Vegetative Erosion Control – See SMP Part V, Critical Areas Regulations in Shoreline Jurisdiction.
- (e) Feedlots, manure storage – Feedlot operations and animal waste retention and storage areas must not be located within shoreline areas unless direct manure runoff is prevented.
- (f) The bulk disposal of inorganic farm wastes, chemicals, fertilizers, and associated containers and equipment within shorelines areas is prohibited.

14.26.425 Breakwaters, Groins, and Jetties.

(1) **Applicability.** This section applies to:

- (a) "Breakwaters," meaning offshore structures generally built parallel to shore that may or may not be connected to land. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. Breakwaters may be fixed, i.e., made of quarry rock, floating, or submerged. [new/current SMP]
- (b) "Groins," meaning wall-like structures built seaward from the shore into the intertidal zone. Their purpose generally is to build or preserve an accretion beach by trapping littoral sand drift on the updrift side. Groins are usually narrow in width, vary in length, and may be built in a series along a shore; they may be permeable, impermeable, high or low, and fixed or adjustable according to drift conditions.
- (c) "Jetties," meaning structures generally built perpendicular to the shore extending through or past the intertidal zone or foreshore. They are built singly or in pairs at harbor entrances or river mouths mainly to prevent the shoaling or accretion of littoral sand drift. Jetties also protect channels and inlets from storm waves and crosscurrents.

(2) **When Allowed.** These uses are allowed in the shoreline environment designations listed in SCC 14.26.405 Uses and Modifications Matrix, subject to the following.

- (a) Breakwaters, groins, and jetties are allowed only for water-dependent uses, public access, shoreline stabilization, restoration, or other specific public purpose.
- (b) Breakwaters, groins, and jetties are prohibited in the following areas:
 - (i) All lakes.
 - (ii) Shorelines where valuable geohydraulic or biological processes are sensitive to alteration or development such as feeder bluffs, marshes, wetlands, and accretion shoreforms such as spits, hooks, bars, or barrier beaches.
 - (iii) Areas where the proposed structure would result in a net adverse impact upon adjacent and nearby properties and shorelines.
- (c) Existing jetties or groins may be repaired or replaced only if:
 - (i) The footprint is minimized to the greatest extent possible; and

- (ii) A qualified professional with experience evaluating projects in marine or riverine areas determines that removing the structure will cause more damage than letting it remain, or, if it is determined that significant impacts will occur to life or property if the groin is removed.

(3) **Application Requirements.** In addition to the requirements in SCC 14.26.710 Applications, an application must provide the following:

- (a) Purpose of structure(s).
- (b) Designs prepared by a qualified professional with expertise in such design.
- (c) Construction material.
- (d) Method of construction.
- (e) Location of OHWM, normal (average), low, and high water elevations.
- (f) Direction of net long shore drift (when appropriate).
- (g) Soils and geology.
- (h) Beach profile.
- (i) Direction of net long shore drift (when appropriate).
- (j) Seasonal wind and wave data.
- (k) Artificial beach feeding and enhancement proposals must demonstrate that jetties or groins are necessary.
- (l) Impact Assessment on Surrounding Properties. Proposals for new structures must include an analysis to determine how the project may affect adjacent properties updrift/upstream and downdrift/downstream of the site. The assessment must be prepared by a qualified professional and provide site-specific and scientifically rigorous information to fully document the need for the jetty or groin.

(4) **Development Standards.**

- (a) Breakwaters must be designed and constructed to protect critical areas and ecological functions.
- (b) Breakwaters must minimize alterations to shoreline sand and gravel transport unless such impediment is found to benefit shoreline functions. The effect of

proposed breakwaters on sand and gravel movement must be evaluated during permit review.

- (c) Breakwaters must be designed and constructed in a manner that minimizes significant adverse impacts on water circulation and aquatic life. The design must also minimize impediments to navigation and to visual access to the shoreline.
- (d) Floating breakwaters are preferred over solid breakwaters where they can withstand anticipated wave action.

14.26.430 Commercial Development

(1) **Applicability.** This section applies to:

- (a) “Commercial development,” meaning those activities which are involved in wholesale, retail, service, and business trade. Included are hotels, motels, grocery markets, shopping centers, restaurants, shops, private or public rental campgrounds or cabins, and indoor recreation facilities. Not included are private camping grounds, residential or recreation subdivisions, marinas, or ports and industry.
- (b) “Institutional development,” meaning public or private facilities including, but not limited to, police and fire stations, libraries, activity centers, schools, educational and religious training centers, water-oriented research facilities, and similar non-commercial uses.
- (c) “Essential public facilities,” meaning those facilities listed in RCW 36.70A.200 that are typically difficult to site.

(2) **When Allowed.** These uses are allowed in the shoreline environment designations listed in SCC 14.26.405 Uses and Modifications Matrix, subject to the following.

- (a) Preference will be given to commercial uses in descending order of priority:
 - (i) Water-dependent commercial uses;
 - (ii) Water-related and water-enjoyment commercial uses;
 - (iii) Nonwater-oriented commercial uses.
- (b) Nonwater-oriented commercial uses on the shoreline are allowed only when they meet one or more of the following criteria:
 - (i) Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to the SMA’s objectives, such as providing public access or ecological restoration.

- (ii) The site is physically separated from the shoreline by another property or a public right of way.
 - (iii) The use is part of a mixed-use project that meets all of the following criteria:
 - (A) The mixed-use project includes one or more water-dependent uses;
 - (B) The underlying zoning district permits residential uses together with commercial uses;
 - (C) Significant public benefit is provided in accordance with the objectives of the SMA, such as providing public access per SCC 14.26.370 Public Access, and ecological restoration per SCC 14.26.475 Shoreline Habitat and Natural Systems Enhancement Projects;
 - (D) Residential uses meet requirements of SCC 14.26.470 Residential Development.
 - (c) Nonwater-dependent commercial uses are not allowed overwater, except in existing commercial structures or when they are necessary in support of water dependent uses.
 - (d) New commercial development that requires shoreline stabilization in conjunction with the placement of fill material within Aquatic shoreline areas is prohibited.
- (3) **Application Requirements.** Reserved.
- (4) **Development Standards.**
- (a) Accessory commercial uses (e.g. parking, storage, service, circulation areas) that do not require a shoreline location must be located landward of the water-oriented portions of the development and comply with shoreline buffers for nonwater-oriented uses. Accessory commercial uses may be allowed in existing structures or where necessary in support of water-oriented uses.
 - (b) Commercial uses must provide shoreline access, including:
 - (i) access for members and users of the development; and
 - (ii) public access consistent with SCC 14.26.370 Public Access.
 - (c) Eating and drinking facilities and lodging facilities must be oriented to provide user views to the waterfront.

- (d) The Administrative Official may condition commercial development on a case-by-case basis to achieve the goals of SCC 14.26.370 Public Access while providing for landscaping, screening, or other measures to achieve compatibility with adjacent uses or onsite conditions.

14.26.435 Dredging and Dredge Material Disposal

(1) Applicability.

- (a) This section applies to “dredging,” meaning the removal of bed material waterward of the OHWM or wetlands using other than unpowered, hand-held tools [Based on WAC 220-110-020(25)], and the disposal of dredge material or spoils.
- (b) This section does not apply to removal of bed material waterward of the OHWM or wetlands that is incidental to an otherwise authorized use or modification (e.g. aquaculture, shoreline crossings, bulkhead replacements), which is regulated by the section governing the associated use or modification.
- (c) This section does not apply to activities that are exempt from the SMP under 14.26.410 Agricultural Activities.

(2) When Allowed. These uses are allowed in the shoreline environment designations listed in SCC 14.26.405 Uses and Modifications Matrix, subject to the following.

- (a) Dredging and dredge material disposal is allowed only when consistent with SCC Chapter 14.34 Flood Damage Prevention.
- (b) Dredging is allowed for the following activities:
 - (i) Development of new or expanded wet moorages, harbors, ports or water-dependent industries of economic importance to the region when there are no feasible alternatives or other alternatives may have a greater ecological impact.
 - (ii) Development of essential public facilities when there are no feasible alternatives.
 - (iii) Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.
 - (iv) Removal of accumulated sediment for flood control or to maintain existing drainage features.
 - (v) Restoration or enhancement of shoreline ecological functions and processes benefiting water quality or fish and wildlife habitat or both.

- (vi) Installation of necessary underground utilities when there are no feasible alternatives in accordance with SCC 14.26.490 Utilities.
 - (vii) Establishing, expanding, relocating, or reconfiguring navigation channels where necessary to ensure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins must be restricted to maintaining previously dredged or existing authorized location, depth, and width.
- (c) Dredging for the primary purpose of obtaining fill material is allowed only when:
- (i) the material is necessary for the restoration of ecological functions;
 - (ii) the fill is placed waterward of the OHWM; and
 - (iii) the project is associated with a MTCA or CERCLA habitat restoration project, or any other significant habitat enhancement project approved through a shoreline conditional use permit. [WAC 173-26-231(3)(f)].
- (d) Dredging is prohibited in the following locations, except for maintenance dredging and for beneficial public purposes consistent with this SMP:
- (i) In estuaries, natural wetlands, and marshes.
 - (ii) Along net positive drift sectors and where geohydraulic processes are active and accretion shoreforms would be damaged or irretrievably lost.
 - (iii) In shoreline areas and bottom soils that are prone to sloughing, refilling, and continual maintenance dredging.
 - (iv) In officially designated fish, shellfish, and wildlife spawning, nesting, harvesting, and concentration areas.
 - (v) Where water quality would be degraded below permitted state and federal standards.
 - (vi) Where current and tidal activity are significant, requiring excessive maintenance dredging.
- (e) Dredge material disposal landward of the OHWM is allowed only when it meets all of the following conditions:
- (i) Containment dikes must be built and maintained to minimize escapement of spoils bearing discharge.

- (ii) An adequate settling basin must be built and maintained so that the site's discharge water carries a minimum of suspended sediment.
 - (iii) Normal drainage patterns must not be adversely affected by the disposal operation and site.
 - (iv) Removal of deposited spoil material for other uses must utilize a single point of ingress and egress and must maintain the containment dikes for the life of the project.
 - (v) Need and special consideration for landscaping and buffer areas are subject to County determination, review, and criteria found in SCC 14.16.830. [Based on existing SMP 7.04(2.)(B.)(9)]
- (f) Dredge material disposal waterward of the OHWM is allowed only as an element of an approved shore restoration or beach enhancement program.
- (g) Dredge material disposal in open waters is allowed in accordance with the Puget Sound Dredged Disposal Analysis evaluation procedures for managing in-water disposal of dredged material; when approved by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, Washington State Department of Natural Resources, and Washington State Department of Fish and Wildlife Hydraulic Project Approval; and when found to meet all of the following conditions:
- (i) land disposal is infeasible, less consistent with this SMP, or prohibited by law;
 - (ii) nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;
 - (iii) offshore habitat will be protected, restored, or enhanced;
 - (iv) adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
 - (v) shifting and dispersal of spoil will be minimal;
 - (vi) water quality will not be adversely affected.
- (3) **Application Requirements.** In addition to the requirements in SCC 14.26.710 Applications, an application must provide the following:
- (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 site plan map outlining the perimeter of the area proposed to be dredged. The map must also include the existing bathymetry and have data points at a minimum of two-foot depth increments.
 - (ii) A habitat survey conducted according to the most recent WDFW eelgrass/macroalgae survey guidelines, if applicable.
 - (iii) Information on stability of bedlands adjacent to proposed dredging and spoils disposal areas.
 - (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 solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).
 - (iii) Biological analysis of material to be dredged.
- (d) A description of the dredging operations, including:
 - (i) Method of dredging, including facilities for settlement and transportation of dredge material.
 - (ii) Length of time required.
 - (iii) Quantity of dredge material.
 - (iv) Frequency and quantity of project maintenance dredging.
- (e) Detailed plans for upland dredge material disposal, including the specific land disposal site(s) and relevant information on the disposal site(s), including, but not limited to:
 - (i) Dredge material disposal area;
 - (A) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;

- (B) Biological characteristics;
 - (C) Size and capacity of disposal site;
 - (D) Means of transportation to the disposal site;
 - (E) Proposed dewatering and stabilization of dredged material;
 - (F) Methods of controlling erosion and sedimentation; and
 - (G) Future use of the site and conformance with land use policies and regulations.
- (ii) Plan for disposal or use of maintenance dredge material for at least a 50-year period, if applicable.
- (f) An assessment of potential impacts to ecological functions or processes from the proposal, including hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.
 - (g) A mitigation plan to address identified impacts, if necessary.

(4) Development Standards.

- (a) Dredging and dredge material disposal must not adversely impact existing and adjacent water and shoreline uses, properties, and access. [Based on existing SMP 7.04(2.)(B.)(7)]
- (b) Conditions on dredging or dredge material disposal may be imposed to reduce proximity impacts, protect public safety, and ensure compatibility with other shoreline uses. Conditions may include any or all of the following:
 - (i) Limitations on the period of operations;
 - (ii) Limitations on the hours of operation;
 - (iii) Limitations on the type of machinery;
 - (iv) Requirements for the provision of landscaped buffer strips, or fencing, or both, to address noise and visual impacts at upland disposal or transfer sites.
- (c) Ecological impacts. 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 ensures no net loss of shoreline ecological functions. [WAC 173-26-231(3)(f)].

- (d) New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. [Based on WAC 173-26-231(3)(f)]

14.26.440 Fill, Excavation, and Grading

- (1) **Applicability.** This section applies to:
 - (a) “Fill,” meaning the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material in a manner that raises the elevation or creates dry land, either waterward or landward of the OHWM. [WAC]
 - (b) “Excavation” or “grading,” meaning the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material landward of the OHWM in a manner that alters the natural contour of the land. [WAC]
 - (c) This section does not apply to dredging or dredge material disposal (see SCC 14.26.435 Dredging and Dredge Material Disposal).
 - (d) This section does not apply to activities that are exempt from the SMP under 14.26.410 Agricultural Activities.
- (2) **When Allowed.** These uses are allowed in the shoreline environment designations listed in SCC 14.26.405 Uses and Modifications Matrix, subject to the following.
 - (a) Fill, excavation, and grading is allowed only when consistent with SCC Chapter 14.34 Flood Damage Prevention.
- (3) **Application Requirements.** In addition to the requirements in SCC 14.26.710 Applications, an application must provide the following:
 - (a) Proposed use of the fill/excavated area;
 - (b) Physical, chemical, and biological characteristics of the fill/excavated material;
 - (c) Source of fill material;
 - (d) Method of placement and compaction;
 - (e) Location of fill relative to natural or existing drainage patterns;
 - (f) Location of perimeter of fill, excavation, or graded area relative to the OHWM;
 - (g) Perimeter erosion control or stabilization means;
 - (h) Type of surfacing and runoff control devices;

- (i) Disposal location of excavated materials.

(4) Development Standards.

- (a) The fill, excavation, or grading work must be:

- (i) the minimum necessary to accommodate approved shoreline uses and developments that are consistent with this SMP.
- (ii) designed to blend physically and visually with existing topography to the maximum extent practicable.
- (iii) located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes. [Based on WAC 173-26-231(3)(c)]
- (iv) designed and located so shoreline stabilization will not be necessary to protect the affected materials.
- (v) designed, constructed, and maintained to prevent, minimize, or control all material movement, erosion, and sedimentation from the affected area, in accordance with SCC Chapter 14.32.
 - (A) A temporary erosion and sediment control (TESC) plan consistent with the Stormwater Design Manual must be provided for all proposed fill, excavation, and grading activities and be approved by the Administrative Official prior to commencement of activity.
 - (B) Disturbed areas must be immediately protected from erosion using appropriate best management practices per SCC Chapter 14.32.

- (b) Fill.

- (i) Commercially available rock, gravel, soil, or sand is preferred for fill material.
- (ii) Solid waste, concrete, asphalt, brick rubble, contaminated soils, construction and demolition waste, or other materials that may degrade surface and groundwater quality or the shoreline area are prohibited.
- (iii) Structures supported by pilings are preferred over fills. [Based on existing SMP 7.06(2.)(B.)(6)]
- (iv) Fill waterward of the OHWM is allowed only where necessary to support:
 - (A) New and existing water-dependent uses, including aquaculture;

- (B) Public access;
- (C) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
- (D) Expansion or alteration of transportation facilities currently located on the shoreline where alternatives to fill are infeasible;
- (E) Ecological restoration or enhancement, including, but not limited to, beach nourishment, habitat creation, culvert upgrades to improve fish and flow passage, or bank restoration when consistent with an approved restoration plan; or
- (F) Maintenance of legally established development. [Based on WAC 173-26-231(3)(c)], provided the proposal also complies with SMP Part VI, Legally Established Pre-existing Uses and Structures.