Skagit County
Planning & Development Services
DALE PERNULA, AICP *Director* **JACK MOORE, CBCO** *Building Official*

Memorandum

To: Planning Commission
From: Betsy Stevenson
Date: January 13, 2016
Re: SMP Final Planning Commission Pre-Release Review for January 19 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. 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 at the beginning of February; there will be a public hearing and a 60-day written comment period. After the Planning Commission issues its recommendation on the SMP, the Board of Commissioners will 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

Staff have continued work on the SMP Update, including working through the Planning Commission's earlier comments and general organization and streamlining. We have summarized the changes below:

14.26.450 Industrial Development

- Changed named from "Industry"
- General cleanup and reorganization to match the consistent Part IV style.
- Added (4)(c)(i) based on Kitsap SMP language; deleted earlier statement in that list.
- Added (4)(c)(ii) based on Kitsap SMP.
- Deleted references to stormwater management; those requirements exist in general provision.
- Added public access section to be consistent with WAC.
- Moved some development regs into the "when allowed" section.

14.26.455 Instream Structures

- General cleanup and reorganization to match the consistent Part IV style.
- Copied prohibition on channelization projects to Dredging section.

14.26.460 Mining

- Revised applicability section to clarify; removed "recreational" from mining that's except when conducted consistent with WDFW Gold and Fish pamphlet.
- Removed prohibition on placer and hydraulic mining (previously in use matrix) to be consistent with (2)(b) and (c).

14.26.470 Residential Development

- General cleanup and reorganization to match the consistent Part IV style.
- Added "including shoreline stabilization" to (4)(b).
- Added the restriction on plats (from the WAC) in (4)(b).
- Added prohibition on multifamily housing in shoreline jurisdiction, unless served by public sewer and water.
- Added LID requirement.
- Added requirement to underground utilities.

14.26.475 Shoreline Habitat and Natural Systems Enhancement Projects

- Added exemption for fish enhancement projects in (1)(b).
- Slight modification to (4)(c) to allow for sediment transport so long as it does not adversely affect ecological processes.

14.26.485 Transportation and Parking

- Clarified and reorganized applicability section
- Clarified transportation facilities must be located outside of shoreline jurisdiction unless infeasible
- Deleted airport-specific regs, as they are covered by general transportation facility regs

14.26.490 Utilities

- Clarification of applicability section

What's Next?

At your next Shoreline work session(s), we plan to provide you with the following updated sections, which will complete this round of review.

- **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**
- **14.26.465 Recreational Development.**
- **14.26.480 Shoreline Stabilization**
- **Part VIII: Definitions**

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.

14.26.450 Industrial Development

(1) **Applicability**. This section applies to "industrial development," meaning privately owned/operated facilities for the processing, manufacturing, storage, and transfer of raw, semi-finished, or finished goods.

(1) When Allowed. These uses are allowed in the shoreline environment designations listed in SCC **Error! Reference source not found.**, subject to the following.

(a) Water-dependent or water-related uses. Industrial facilities and structures that are water-dependent or water-related are permitted only where the applicant can demonstrate that the proposed use is water-dependent or water-related.

(b) Nonwater-oriented industrial development is only allowed on shorelines when:

(i) Navigability is severely limited at the site and the use provides a significant benefit with respect to the objectives of the SMA, such as providing public access and ecological restoration;

(ii) The use is part of a mixed-use project that includes water-dependent uses and the use provides a significant benefit with respect to the objectives of the SMA, such as providing public access and ecological restoration; or

(iii) The site is physically separated from the shoreline by another property or public right of way.

(c) Accessory development. Accessory industrial development (e.g. parking, warehousing, open-air storage, and transportation corridors) that does not require a shoreline location must be located upland of the water-dependent or water-related portions of the development and comply with shoreline buffers.

(d) Preferred uses. New industrial uses will be given priority in the following order:

(i) Water-dependent industrial uses

(ii) Water-related industrial uses

(iii) Nonwater-oriented industrial uses.

(e) New industrial development and redevelopment is encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. Federal and state requirements for hazardous materials clean up or management must be addressed.

(f) Waste Treatment and Disposal. Storage and disposal of industrial wastes is prohibited on shorelines, except that wastewater treatment systems may be allowed in shoreline areas only when alternate, inland areas are proven to be infeasible. [old SMP]

(3) **Application Requirements.** Reserved.

(4) **Development Standards.**

(a) Joint use. Port and industrial development must avoid duplication of docks. Joint use is preferred and will be considered during project proposal review.

(b) Petroleum Products and Hazardous Materials [based on old SMP]

(i) A facility that involves either solid, liquid, or gas bulk storage of petroleum products, chemicals, and other materials potentially hazardous to shoreline areas and water bodies is allowed only as a conditional use and must demonstrate the need to locate in the shoreline jurisdiction.

(ii) A facility involved in the transfer of petroleum and/or other hazardous products must utilize best available technology and procedures to prevent spills.

(iii) Spill cleanup equipment and supplies must be available for prompt application at all locations involved in such transfer activities.

(c) Log storage. [based on old SMP. 7.11(2)(B)(12)]

(i) Log storage is only allowed where:

(A) it will not interfere with navigation or other beneficial water uses; and

(B) it will not result in a net loss of ecological functions; and

(C) It will not require dredging in order to accommodate log storage or transport.

(ii) In-water log storage is allowed only on a temporary basis, and only where natural tidal or current flushing and water circulation are adequate to disperse polluting wastes.

(iii) New unpaved, dry land log storage areas must have at least four foot average separation depth to the water table.

(iv) The free-fall dumping of logs into water is not permitted. Easy let down techniques and devices must be employed for water storage or transfer.

(v) Bark and wood debris must be controlled, collected, and disposed of in such a manner to prevent entry or accumulation on shorelines and water bodies at all log storage and handling areas.

(d) Public Access. [WAC 197-26-241(2)(f).]

(i) Industrial development on publicly owned property must provide public access. See **Error! Reference source not found.**.

(ii) Public access is appropriate mitigation for impacts to shoreline resources and values if feasible and can be provided in a manner that does not result in significant interference with operations or hazards to life and property.

14.26.455 Instream Structures

(1) **Applicability.**

(a) This section applies to "instream structures," meaning structures placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

(a) Instream structures that are part of a utility project are regulated both by this section and SCC **Error! Reference source not found.**.

(a) Instream structures that are part of a habitat project are regulated both by this section and SCC **Error! Reference source not found.**.

(a) Docks, floats, marinas, and boat ramps are regulated under SCC **Error! Reference source not found.**, not by this section.

(1) **When Allowed**. These uses are allowed in the shoreline environment designations listed in SCC **Error! Reference source not found.**, subject to the following:

(a) A channelization project with instream structures is prohibited if it results in any of the following:

(i) long-term negative impacts on fish and wildlife resources or recreation or aesthetic resources;

(ii) long-term net loss of ecological functions;

(iii) increased flood elevations or velocities.

(3) **Application Requirements.** Reserved.

(4) **Development Standards.**

(a) The location, planning, and design of instream structures must address all of the following:

(i) public access to shorelines;

(ii) flood protection;

(iii) preservation of historic and cultural resources;

(iv) protection and preservation of ecosystem-wide processes and ecological functions;

(v) impacts to fish and wildlife, with special emphasis on protecting and restoring priority habitats and species;

(vi) watershed functions and processes;

(vii) hydrogeological, hydraulic, and hydrologic processes;

(viii) preservation of natural scenic vistas.

(b) Structures must be designed and located to minimize removal of riparian and aquatic vegetation.

(c) Diversion structures must be designed and located to return flow to the stream or river in as short a distance as possible.

(d) Instream structures must provide for adequate upstream and downstream fish passage.

14.26.460 Mining.

(1) **Applicability**.

(a) Generally, this section applies to "mining," meaning the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. [WAC 173-26-241(3)(h)]

(b) This section does not apply to:

(i) other uses (e.g., dredging) that may incidentally use materials extracted as part of the primary use;

(ii) mining that complies with the Washington Department of Fish and Wildlife's Gold and Fish Pamphlet.

(c) If a renewal, extension, or reauthorization of mining operations is requested, compliance with this section is required.

(2) **When Allowed**.

(a) Mining in shoreline jurisdiction is only allowed when the material proposed to be extracted is only available in a shoreline location. This determination must be based on an evaluation of geologic factors such as the distribution and availability of mineral resources in the County; the need for such mineral resources; and economic, transportation, and land use factors.

(b) For marine and lake shorelines, mining waterward of the OHWM is prohibited. [Based on existing SMP 7.08(2.)(B.)(2)]

(c) For rivers and streams, mining waterward of the OHWM is prohibited unless:

(i) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the system as a whole; and

(ii) The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

(iii) Evaluation of impacts should be integrated with the relevant environmental review requirements of SEPA.

(3) **Application Requirements**. In addition to the general SMP application requirements and the special use permit application requirements in SCC 14.16.440 Mineral Resource Overlay, the following information is required for all new mining applications:

(a) Quantity of materials to be mined, in total and by type;

(b) Quality of materials to be mined, by type. For certain minerals, a qualified geologist's evaluation may be required;

(c) Mining technique and equipment to be utilized;

(d) Depth of overburden;

(e) Total mineral deposit in lateral extent and depth;

(f) Proposed depth of mining;

(g) Cross-section diagrams indicating present and proposed elevation/extraction levels;

(h) Existing drainage patterns, seasonal or continuous, and proposed alterations thereof;

(i) Proposed means of controlling/handling surface runoff and preventing or minimizing erosion and sedimentation;

(j) Origin, depth, and extent of subsurface water resources and aquifer recharge areas;

(k) Quality analysis of overburden, excavation material, and tailings with plans for storage, usage, or disposition;

(l) Mining plan and scheduling, including seasonal, phasing, and daily operation schedules;

(m) For surface mining, a reclamation plan that meets the requirements of this SMP and RCW Chapter 78.44; and

(n) Screening, buffer, and fencing plan that meet the requirements of this section and the rest of Skagit County Code. [Based on existing SMP 7.08(2.)(B.)(8)]

(4) **Development Standards**.

(a) Mining must obtain all other required state permits and meet all the requirements of RCW Chapter 78.44, Surface Mining.

(b) Public access. Mining must not impair public access to publicly owned shorelines and water bodies. [Based on existing SMP 7.08(2.)(B.)(9)]

(c) Floodplains. All equipment, works, and structures of mining operations must be able to withstand flooding without becoming hazards themselves and without the placement of flood hazard reduction measures. All mining must comply with SCC Chapter 14.34, Flood Damage Prevention. [Based on existing SMP 7.08(2.)(B.)(4)]

(d) Screening. Mining operations must provide vegetative screening to obscure views of the mining site consistent with the following criteria.

(i) In the Rural Conservancy and Urban Conservancy environments, the width of required vegetative screening between mining operations and the OHWM is 50 feet; in the High Intensity environment, the width of required vegetative screening between mining operations and the OHWM is 20 feet. These minimums do not replace critical areas buffer requirements.

(ii) Screening must be native vegetation and must be maintained in effective condition at all times.

(iii) Vegetative screening must be planted by the start of mining or as soon thereafter as possible, and be established within one year of the start of mining.

(iv) If vegetative screening is not possible, artificial screening or fencing to suit the site, operations, and shoreline area is required. [Based on existing SMP 7.08(2.)(B.)(14)]

(e) Operations.

(i) Accessory equipment and materials essential to mining operations in shoreline areas must be stored or sited as far landward from the OHWM as feasible. [Based on existing SMP 7.08(1.)(B.)]

(ii) Stockpiles and tailings must not exceed the height, slope, and moisture content limits determined by local and state agencies. Existing topography and the existing uses of surrounding properties must be considered when siting stockpile locations. [Based on existing SMP 7.08(2.)(B.)(20)]

(iii) Earth stability. Mining operations must not impair lateral support or cause earth movements or erosion to extend beyond property lines or to adversely affect the shoreline and water environment. [Based on existing SMP 7.08(2.)(B.)(12)]

(iv) Erosion control. Mining activities must use effective techniques for preventing or minimizing adverse surface runoff, erosion, and sediment generation. Overburden, mining debris, and tailings must be stored and protected in such a manner so as to prevent or minimize erosion or seepage to surface and ground waters. All preventative techniques must be adequately maintained throughout mining and reclamation operations. [Based on existing SMP 7.08(2.)(B.)(11)]

(v) Water quality and quantity. Mining operations must:

(A) Prevent pollution of ground and surface waters;

(B) Impound runoff as necessary to prevent accelerated runoff and erosion;

(C) Protect all shoreline areas from acidic or toxic materials; and

(D) Maintain existing surface and groundwater flows.

(vi) Mining stuff must be removed within six months of not doing stuff except when climatic stuff happens.

(f) Reclamation.

(i) Subsequent use and ecological function. The proposed subsequent use of mined property must be consistent with the environment designation in which the property is located and the reclamation of disturbed shoreline areas must provide appropriate ecological functions consistent with the setting. [Based on WAC 173-26-241(3)(h)(ii)(C)]

(ii) Land reclamation. To ensure the future use and viability of shoreline areas after mining activities, reclamation must be completed within one year of discontinuing mining operations, consistent with the following standards:

(A) All equipment, machinery, buildings, and structures not involved in reclamation activities must be removed from the site. All equipment used for reclamation must be removed from the site upon review and approval of the reclamation by state and local agencies.

(B) Stagnant or standing water may not collect or remain except as provided in an approved site reclamation plan.

(C) Backfill material must be of natural, compatible materials. Combustible, flammable, noxious, toxic, or solid waste materials are not allowed as backfill.

(D) All overburden, waste, and nontoxic material storage piles and areas must either be leveled, sodded, and planted, or returned to the excavated area for reuse as backfill and subsequently sodded and planted.

(E) Reclamation must prevent erosion and sedimentation both during reclamation and afterward.

(F) Suitable drainage systems approved by the County Engineer must be installed and maintained if natural, gradual drainage is not possible.

Such systems should collect, treat, and release surface runoff so as to prevent erosion and sedimentation.

(G) Topography of the site must be restored to the approximate prior contours or to contours compatible with the surrounding land and shoreline area.

(H) All banks, slopes, and excavated areas for surface mined unconsolidated materials must be sloped to no steeper than two-and-one-half feet horizontal to one foot vertical. All slopes must be sodded or surfaced with appropriate soil to at least the depth of the surrounding, undisturbed soil and subsequently revegetated.

(I) All banks, slopes, and excavated areas of mined consolidated material must be sloped to no steeper than one foot horizontal to one foot vertical.

(J) Slopes of quarry walls must have no prescribed slope unless a hazardous condition is created whereby the quarry must be backfilled and sloped according to the above.

(K) Revegetative practices must utilize compatible, native vegetation.

(L) All toxic and acid forming mining refuse and materials must be either treated to be nonpolluting prior to onsite disposal or removed and disposed of away from shoreline areas. [Based on existing SMP 7.08(2.)(B.)(17)]

(M) Underground mining operations must not be left in a condition that may become hazardous to public health and safety. [Based on existing SMP 7.08(2.)(B.)(19)]

14.26.470 Residential Development.

(1) **Applicability**.

(a) This section applies to "residential development," meaning primary, accessory, and appurtenant residential structures and uses; residential subdivisions; and multifamily structures and uses. [based on WAC]

(a) Motels, hotels and other transient or commercial housing are regulated by SCC **Error! Reference source not found.**.

(a) Camping developments or clubs are regulated by SCC **Error! Reference source not found.**

(1) **When Allowed**. These uses are allowed in the shoreline environment designations listed in SCC **Error! Reference source not found.**, subject to the following:

(a) Single-family residences are a preferred use in shoreline areas when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. [WAC 173-26-241(3)(j)]

(b) Multifamily housing is prohibited, unless served by public sewer and water.

(c) Overwater homes and floating homes, including liveaboards, are prohibited.

(1) **Application Requirements.** Applications must include the following in addition to the information required by SCC **Error! Reference source not found.**:

(a) Applications for new residential land divisions must include an evaluation of the clustering of lots to minimize physical and visual impacts on shorelines.

(4) **Development Standards**. In addition to the general provisions of SMP Part III, development must comply with the following standards:

(a) Plats and subdivisions must be designed, configured and developed in a manner that ensures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.

(b) Residential development must be located and designed to avoid the need for flood hazard reduction measures, including shoreline stabilization.

(c) Accessory uses and structures must be located landward of the principal residence, unless the structure supports a water-dependent use.

(d) The use of fill for expansion or creation of upland areas to support residential development is prohibited, except for supporting infrastructure such as roads when there is no feasible alternative.

(a) Wherever feasible, utilities for new residential development must be installed underground and consistent with SCC **Error! Reference source not found.**.

(f) Residential development must implement Low-Impact Development where feasible through compliance with MR5 in the Stormwater Management Manual.

(a) Residential development must comply with SCC **Error! Reference source not found.**.

14.26.475 Shoreline Habitat and Natural Systems Enhancement Projects

(1) **Applicability**.

(a) This section applies to activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines, including, but not limited to:

(i) floodplain restoration projects;

(ii) fish passage barrier removal or improvement;

(iii) projects to increase shoreline habitat complexity; or

(iv) stabilization of eroding banks provided that the purpose of the project is restoration or enhancement of the natural character and ecological functions of the shoreline, and the project uses appropriate erosion control techniques and approaches, including limited use of rock as stabilization only at the toe of the bank as necessary, with primary emphasis on using native vegetation to control erosive forces.

(b) Per RCW 90.58.147, fish habitat enhancement projects qualifying under RCW 77.55.181 are deemed consistent with this SMP, and per RCW 77.55.181 are exempt from local government permits and fees.

(1) **When Allowed**. These uses are allowed in the shoreline environment designations listed in SCC **Error! Reference source not found.**.

(3) **Application Requirements**. Reserved.

(4) **Development Standards**.

(a) All shoreline restoration and enhancement projects must protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

(b) Long-term maintenance and monitoring (minimum of three years) must be arranged by the project applicant and included in restoration or enhancement proposals.

(c) The applicant must demonstrate that no significant change to sediment transport or river current will result that would adversely affect ecological processes, properties, or habitat.

(d) Shoreline restoration and enhancement projects must be designed using the best available scientific and technical information, and implemented using best management practices.

(e) Shoreline restoration and enhancement must not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

(f) For projects on state-owned aquatic lands, project proponents must coordinate with the Washington Department of Natural Resources prior to permit application.

(g) For a project within an urban growth area, the applicant should consult with the County and Ecology to determine if the proposal or adjacent properties may be afforded relief under RCW 90.58.580, in the event that the proposed restoration project shifts the OHWM landward.

14.26.485 Transportation Facilities (including parking)

(1) **Applicability.**

(a) This section applies to "transportation facilities," meaning those structures and developments that facilitate movement of people, goods, and services. For this SMP, these facilities include:

(i) all forms of roads and roadways, including bikeways and equestrian trails and private driveways or private roads serving more than one home;

(ii) airports and landing fields;

(iii) parking areas for vehicles of all types;

(iv) bridges and causeways;

(v) rail transportation.

(b) This section does not apply to:

(i) a driveway for an individual single-family home, which is a residential appurtenance and is part of the primary use and is regulated by SCC 14.26.470 Residential Development.;

(ii) floatplane moorage, which is regulated by SCC 14.26.420 Boating Facilities, Mooring Structures, and Recreational Floats;

(iii) operation of a single private floatplane on waters where FAA has designated a seaplane landing area, which is not regulated by this SMP.

(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) Transportation facilities are prohibited within shoreline jurisdiction unless locating outside of shoreline jurisdiction is infeasible, or standards for ADA accessibility and functionality cannot be met.

(b) Overwater parking is prohibited in shoreline jursidiction.

(3) **Application Requirements.** Applications must include the following in addition to the information required by SCC 14.26.710 Applications:

(a) Transportation facilities that are to be used secondarily as flood control or protection structures must provide additional data regarding:

(i) channel profiles,

(ii) effects on flood level hydraulics, and

(iii) potential for enlargement of inundated areas.

(4) **Development Standards**. In addition to the general provisions of SMP Part III, development must comply with the following standards:

(a) Transportation facilities must be planned, located, and designed to achieve all of the following:

(i) minimize possible adverse effects on unique or fragile shoreline features;

(ii) no net loss of shoreline ecological functions;

(iii) avoid adverse impacts on existing or planned water-dependent uses;

(iv) set back from the OHWM to the maximum extent feasible to allow for a usable shoreline area for vegetation conservation and planned shoreline uses.

(b) Fill, grading, and excavated materials from both construction and maintenance activities must be disposed of outside shoreline areas. If alternative locations are infeasible, such activities must be carried out in accordance with SCC 14.26.440 Fill, Excavation, and Grading.

(c) Relief culverts and diversion ditches must not discharge onto erodible soils, fills, or sidecast materials.

(d) Mechanical means are preferred over the use of herbicides for roadside brush control. If herbicides are used, they must be applied so that chemicals do not enter shoreline water bodies.

(e) Transportation facilities must implement Low-Impact Development where feasible through compliance with MR5 in the Stormwater Management Manual.

(f) Fill associated with transportation facilities is only permitted in water bodies and their associated wetlands and beaches when all structural or upland alternatives are proven infeasible.

(g) Transportation facilities must be consistent with SCC 14.26.370 Public Access.

(h) Transportation facilities that are allowed over water bodies and associated wetlands must utilize elevated, open pile or pier structures and techniques. The number of water crossings must be the fewest necessary to serve the use or district.

(i) Bridge abutments and necessary approach fills must be located landward of associated wetlands or the OHWM for water bodies without associated wetlands provided mid-river bridge piers are permitted.

(j) Roads and railroads located within the 100-year floodplain must not measurably increase flood levels or profiles and must not restrict or otherwise reduce floodplain and floodway capacities.

(k) Unpaved existing roads and parking areas may be paved, provided such facilities comply with all other applicable requirements of this SMP.

(l) Shared driveways are preferred where they result in less impervious area and thereby reduce potential adverse shoreline impacts.

(m) Shoreline road ends.

(i) RCW 36.87.130 prohibits the County from vacating any county road that abuts a body of salt or fresh water except for port, recreational, educational, or industrial purposes as described in the statute.

(ii) Development, alteration, or vacation for any purpose of county road ends within shoreline jurisdiction must comply with the provisions of the SMA and this SMP.

(n) Parking.

(i) Parking in shoreline jurisdiction is not a preferred use.

(ii) New or expanded parking must:

(A) Locate landward of the primary facility or activity, except where necessary for ADA access or where no other locations are feasible.

(B) Locate outside shoreline buffers. A Shoreline Variance to locate within shoreline buffers is available only:

(I) To place the required ADA parking spaces within the shoreline buffer to facilitate better and safer public access to the shoreline;

(II) When the applicant's lot/site has topographical constraints where no other location outside the buffer yet within the proposed development is feasible (e.g., the use or activity is located on a parcel entirely or substantially encumbered by the required buffer).

(C) Be accessory to an authorized use.

(D) Minimize environmental and visual impacts.

(E) Be screened from view of shoreline areas and nearby properties with native vegetation to be planted within six months of facility completion. Screening must be effective within two years of planting.

(o) Floatplanes.

(i) Commercial floatplane facilities, including docks and storage area bases, may not be adjacent to residential areas and must meet the standards in SCC 14.26.420 Boating Facilities, Mooring Structures, and Recreational Floats.

(ii) Floatplane facilities must be located to minimize short- and long-term noise impacts and other impacts on habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, and migration routes on adjacent parcels and over-flight areas.

14.26.490 Utilities

(1) **Applicability**.

(a) This section applies to "utilities," meaning facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products. Firefighting facilities and administrative structures associated with the operation of the utility are considered part of the utility. Utilities include upland and in-water facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products.

(i) "Large utilities" serve more than one community (i.e. more than one neighborhood, town, city, or other defined place) or major attractions. Examples include, but are not limited to, 230 kv power transmission lines, natural gas transmission lines, and regional water storage tanks and reservoirs, regional water transmission lines or regional sewer collectors and interceptors. Large facilities may also include facilities serving an entire community, such as subregional switching stations (115 kv and smaller), and municipal sewer, water, and stormwater facilities.

(ii) "Small utilities" serve adjacent properties and include, but are not limited to, power lines not specified under "large utilities," water, sanitary sewer, and stormwater facilities, fiber optic cable, pump stations and hydrants, switching

boxes, and other structures normally found in a street right-of-way. On-site utility features serving primary use such as a water, sewer, or gas line to a residence are accessory utilities and are considered part of the primary use.

(b) This section does not apply to "accessory utilities," meaning on-site utilities that support a permitted shoreline use and are considered part of the primary use.

(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) The following uses must be located outside of shoreline jurisdiction whenever feasible. If not feasible, the use must ensure no net loss of shoreline ecological functions and no significant adverse impacts to other shoreline resources and values that cannot be mitigated.

(i) Transmission facilities (e.g., power lines, cables, pipelines), particularly those running roughly parallel to the shoreline.

(ii) Facilities that require periodic maintenance that may disrupt shoreline ecological functions.

(iii) Energy and communication systems including towers and antennas.

(b) Use of existing routes and rights of way. New utilities must be located in existing rights of way and corridors whenever feasible. Specifically power, communications, pipelines, and fuel lines must utilize existing rights-of-way, corridors, and/or bridge crossings and must avoid duplication and construction of new or parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must demonstrate the infeasibility of existing routes.

(3) **Application Requirements.** Reserved.

(4) **Development Standards**. In addition to the general provisions of SMP Part III, development must comply with the following standards:

(a) General standards. All new utility facilities must be designed and located to meet the following criteria while meeting the needs for planned growth:

(i) Preserve the natural landscape;

(ii) Locate and design the project to avoid the need for new structural shoreline stabilization or flood hazard reduction facilities;

(iii) Screen facilities from water bodies. Such screening or landscaped areas must consist of native, self-sustaining vegetation to be planted immediately

following utility construction or, in the case of existing vegetation, such vegetation must be effectively maintained as screening; and

(iv) Minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations.

(v) Avoid impacts to fish and wildlife habitat to the maximum extent possible.

(vi) The utility installation must not change the natural rate, extent, or opportunity of channel migration.

(b) Undergrounding required. All utilities for new subdivisions, mobile home parks, public and private recreation and second home developments, and PUDs must be installed underground in shoreline areas.

(c) Underground utility lines. For those utility lines allowed in or across shoreline areas and installed underground or underwater, the following standards apply:

(i) Underwater utility lines must enter and emerge inland from fresh and salt water banks, dikes, beaches, or shorelands.

(ii) Banks, dikes, beaches, or shorelands where such facilities enter or leave water bodies must be returned to their pre-construction condition, stabilized with compatible, self-sustaining vegetation, and maintained in a safe condition.

(iii) Underground (or water) utility lines must be completely buried under the river bed in all river or stream crossings except where such lines may be affixed to a bridge structure and except for appropriate water or sewage treatment plant intake pipes or outfalls.

(d) Surface utility lines. When utility lines are allowed in or across shoreline areas and installed on the surface, the following standards apply:

(i) Surface utility lines must minimize crossings of shoreline areas and utilize the shortest, most direct route feasible.

(ii) Permitted water crossings requiring structural abutments or approach fills must set back such facilities landward of the OHWM.

(iii) Permitted wetland crossings must utilize pier or open pile techniques only. Landfills are not permitted.

(e) Aerial utility lines. When utility lines are allowed in or across shoreline areas and installed in an aerial manner, the following apply:

(i) Aerial utility lines must minimize crossing of shoreline areas and must utilize existing crossings where feasible. All crossings must utilize the shortest, most direct route feasible.

(ii) Aerial utility lines must make maximum use of area topography to minimize visual contrasts.

(f) Surface Water and Stormwater Outfalls. The Administrative Official may condition the proposed outfall location and design to ensure aesthetic compatibility and to reduce adverse environmental impacts. Outfalls must:

(i) comply with the flow and discharge requirements of SCC Chapter 14.32 Stormwater Management;

(ii) be set back from the water's edge and discharged onto appropriate materials such as rocks, logs, and other natural materials to mimic the appearance of a natural-looking creek flowing into the water body;

(iii) be designed and installed so that during periods of heavy rainfall the velocity and quantity of runoff will not be detrimental to important aquatic life in the receiving waters, and so that it does not flood adjacent land;

(iv) install vegetation consistent with SCC 14.26.380 Vegetation Conservation..

(g) Hydropower facilities. Flowlines and powerhouses are subject to the following additional standards:

(i) Flowlines and powerhouses must be designed, located, and constructed in a manner that avoids extensive topographical alteration and avoids impacts to shoreline ecological function and critical areas, consistent with SCC 14.26.310.

(ii) Flowlines and powerhouses must be designed to minimize the removal of riparian vegetation and to return flow to the stream in as short a distance as practical.

(iii) Surface flowlines must be designated, located, and constructed to present as low a profile as possible.

(iv) All intake and diversion structures must be designed to maximize the natural transportation of bedload materials to the greatest extent possible.

(v) Where site conditions permit, powerhouses must be located a minimum of 50 feet from the OHWM, provided that this does not apply to tailraces.

(vi) Impoundments must be located to minimize impacts to critical areas, shoreline natural features, and important scenic vistas.

(h) Solar energy. Solar energy panels are subject to the regulations for the primary use of the building as well as any general standards of this SMP.

(i) Tidal and wave energy facilities.

(i) Tidal and wave energy facilities must be installed so that water quality and marine life will not suffer degradation and that no net loss of ecological function will result, consistent with SCC 14.26.310.

(ii) System components of tidal and wave energy or tidal power-generating facilities which are not water-dependent must be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to be infeasible. Location of the system components must not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities; public access; archaeological, historic, or cultural resources; or aesthetic resources.

(j) Maintenance. Maintenance and repair of legally established pre-existing utility facilities is permitted consistent with the use and modifications matrix and SMP Part VI. Maintenance activities must:

(i) Protect shoreline and critical area habitat consistent with vegetation conservation, critical areas, and other development standards of this SMP;

(ii) Provide stormwater management practices to reduce both water quantity and water quality impacts, where appropriate;

(iii) Provide appropriate erosion and sediment control practices;

(iv) Provide appropriate revegetation of disturbed areas following maintenance or repair; and

(v) Use best management practices for chemical and nutrient use and containment.