



# Skagit County Planning & Development Services

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## Memorandum

To: Planning Commission  
From: Betsy Stevenson  
Date: January 27, 2016  
Re: SMP Final Planning Commission Pre-Release Review for February 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 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. Any PC member that would like may arrange a meeting with me so that we can prepare you for the meetings and hearings.

We anticipate the February 2 meeting is the last Planning Commission session for final pre-release review of the SMP draft. We are tentatively scheduling release of the SMP Update for public comment the first week of February; we anticipate the workshop will be March 1 [corrected], **the public hearing will be March 15**, and the 60-day written comment period will conclude April 4. 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.

### Follow-up from Last Meeting

In Mining, we had meant to wordsmith and include, from the old SMP 7.08(2)(B)(15), the line that read "Temporary discontinuance of operations for not more than six months due to economic, climatic, or other reasonable conditions will not be cause for removal of equipment and structure." Because our special use abandonment provisions don't kick in until one year or more anyway, we have decided there's no need to include such a line.

Multi-family development is not permitted in the County's existing zoning code except in Bayview Ridge Residential. Even if it were permitted in rural areas under standard zoning, it would be

undesirable to permit it in shoreline areas because rural shoreline areas lack access to sewer systems and are the most sensitive areas to stormwater and sewer impacts.

In Residential Development, we deleted the line that required accessory uses to be landward of the primary use. Big Lake and Clear Lake are inside the County's NPDES Permit Area, so LID is already required in their residential areas; additionally, we already require LID for development in floodplain areas due to the FEMA National Flood Insurance Program requirements. We think it sensible to extend the LID requirement to other shorelines, to reduce the pollution impact of stormwater.

Shoreline Habitat and Natural Systems Enhancement Projects – we do not include references to the standard zoning code in the SMP.

## **Where We Are Now**

Staff has 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:

### **14.26.400 General Provisions**

- General cleanup and reorganization to match the consistent Part IV style.
- Addressed unclassified uses in (2)(d) instead of Part VII, Administration.
- Clarified that all applicable substantive regulations sections in Parts III and IV apply to all uses.

### **14.26.405 Uses and Modifications Matrix**

- Cleaned up to match definitions used in applicability subsections of each of the Part IV use sections.

### **14.26.415 Aquaculture**

- In section (2), added a section on "determination of existing aquaculture area" consistent with new Ecology guidance.

### **14.26.420 Boating Facilities, Mooring Structures, and Recreational Floats**

- General cleanup and reorganization to match the consistent Part IV style.
- Clarified the four types of "docks;" broadened the definitions of each type to cover all docks.
- Deleted the concept of prohibited areas where boating facilities could not locate; that regulation was not specifically directed by statute or WAC, and the sensitive shoreline areas will be protected by other regulations (such as the critical areas ordinance).
- Deleted the provision for accessory uses, because it is not required given the structure of our shoreline plan.
- Deleted concept of piers as a type of commercial or industrial dock; instead we just call them all "docks." "Pier" is used to refer to the fixed component of a dock.
- Combined piles and mooring piles into a single section.
- Added a line requiring new structures to "minimize obstructions to the use of neighboring docks or recreational floats."

- Moved standards for pre-existing docks to Part VI, Legally Established Pre-Existing Uses and Structures.

#### **14.26.445 Forest Practices**

- General cleanup and reorganization to match the consistent Part IV style.
- Clarified that forest practices (other than likely conversions) do not require shoreline review. A definition of forest practices likely to result in conversions does not yet appear in SCC 14.24.110 , but that section will be updated before final adoption of the SMP.

#### **14.26.465 Recreational Development.**

- General cleanup and reorganization to match the consistent Part IV style.

#### **14.26.480 Structural Shoreline Stabilization**

- Made this section apply only to structural shoreline stabilization, and renamed the section.
- Clarified that repair and replacement of existing structural shoreline stabilization is regulated by this section. Moved text about repair and replacement to Part VI.

#### **Part VIII: Definitions**

- Complete review and edits to ensure that this Part contains terms that are actually used in the document, and to include cross-references from all uses and modifications to the corresponding section in Part IV.

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.

#### **Notes on Reconstruction of Abandoned Uses**

A former Planning Commissioner has repeatedly claimed that under the new SMP, a residence in shoreline jurisdiction that burns down (or is otherwise accidentally destroyed) would not be allowed to rebuild in the same place. Staff had promised to fully explain why this is not a concern, prior to release of the public comment draft of the new SMP.

First, a single-family residence that is consistent with the new SMP would be allowed to rebuild after being accidentally damaged or destroyed at any time. The question only arises in the context of single-family residences that were legally constructed prior to the new SMP. Proposed SCC 14.26.620(4) and .630(4) provide that “a structure damaged or destroyed by fire, natural disaster, or other casualty may be reconstructed to the configuration existing immediately prior to the time the development was damaged” if the applicant submits a complete application within 12 months (and may request a 12-month extension of that deadline), and completes reconstruction within five years. The 12-month deadline (with the possibility of an extension) is *more generous* than the county’s existing standard provision for reconstruction of a non-conforming use. See SCC 14.16.880(3)(b).

#### **Conclusion**

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

## Part IV: Shoreline Uses and Modifications

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### 14.26.400 General Provisions.

- (1) **Applicability.** This section applies to all shoreline uses, shoreline modifications, and shoreline development.
- (2) **When Allowed.**
  - (a) A use or modification is allowed when:
    - (i) allowed by SCC 14.26.405 Uses and Modifications Matrix or by (d); and
    - (ii) allowed by the underlying zoning.

- (b) Where there is a conflict between the matrix and other provisions of this SMP, the other provisions control.
- (c) Existing uses may continue consistent with Part VI, Legally Established Pre-Existing Uses and Structures.
- (d) The Administrative Official may determine that a proposed use or modification that is not specifically listed in SCC 14.26.405 Uses and Modifications Matrix:
  - (i) is substantially similar to a use that is prohibited in the matrix, and is therefore prohibited in shoreline jurisdiction;
  - (ii) is substantially similar to, and no more intense than, a use that is allowed in the matrix, and therefore requires shoreline review consistent with the similar use; or
  - (iii) is not addressed by (i) or (ii) and may be authorized as a conditional use provided the applicant can demonstrate consistency with the requirements of 14.26.730 Conditional Use Permit.

(3) **Application requirements.**

- (a) A use or modification requires a Shoreline Permit or Exemption. Development requires a Substantial Development Permit or Exemption.
- (b) If any part of a proposed activity, use, modification, or development within shoreline jurisdiction is not eligible for exemption, then a Substantial Development Permit or Conditional Use Permit is required for the entire proposal.
- (c) Accessory or appurtenant uses are subject to the same shoreline review process as their primary use.
- (d) When a specific use or modification extends into the Aquatic environment and an abutting upland environment without clear separation (e.g., private moorage facility, shoreline stabilization), the most restrictive permit process applies to that use or modification.

(4) **Development standards.** A use or modification:

- (a) is subject to all applicable sections in Part III, General Regulations; and
- (b) is subject to all applicable sections in Part IV, Shoreline Uses and Modifications.

#### **14.26.415 Aquaculture**

**(1) Applicability.**

- (a) This section applies to “aquaculture,” meaning the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the State-managed wildstock geoduck fishery.
- (b) Upland finfish rearing facilities constitute “agriculture” and are not regulated by this section.

**(2) When shoreline review is required.**

- (a) New aquaculture. Shoreline review is required for the initial siting, construction, planting, or stocking of a facility or farm.
- (b) Existing aquaculture.
  - (i) Determination of existing aquaculture area.
    - (A) Determination of the existing aquaculture area is made by the Administrative Official.
    - (B) The Administrative Official may determine that an area that was previously cultivated has been abandoned and no longer constitutes “existing aquaculture.” In its determination, the Administrative Official must consult with the aquaculture operator and may consider such factors as whether the property was acquired under the Bush or Callow Acts of 1895, the use of crop rotation and fallowing, state or federal permit requirements, pest infestations, seed or juvenile availability, market fluctuations, and pollution of the farm site from other uses or developments.
  - (ii) Ongoing maintenance, harvest, replanting, changing culture techniques or species does not require shoreline review unless cultivating a new species or using a new culture technique that has significant adverse environmental impacts (if not allowed by an existing shoreline permit).
  - (iii) Expansion of existing aquaculture.
    - (A) For aquaculture without an existing shoreline permit, a shoreline permit is required for any expansion.

- (B) For aquaculture permitted under this SMP, a shoreline permit is required when the activity expands beyond the permitted area.
  - (C) For aquaculture permitted under a previous version of this SMP, a shoreline permit is required when the activity expands more than 10% beyond the cultivated area, or one acre, whichever is less, or creates unmitigated impacts to native plant and animal populations.
- (3) **Permit Exemptions.** A letter of exemption is required for aquaculture activities that do not constitute substantial development or otherwise require a Conditional Use Permit or Variance.
- (4) **General requirements.**
- (a) Aquaculture operations must be designed and located to:
    - (i) prevent the spread of disease to native aquatic life;
    - (ii) prevent the establishment of new nonnative species which cause significant ecological impacts;
    - (iii) minimize impact to the aesthetic qualities of the shoreline, with consideration given to height, color, uniformity, and arrangement;
    - (iv) avoid significant conflict with navigation and other water-dependent uses.
  - (b) Upland structures accessory to an aquaculture use that do not require a waterside location or have a functional relationship to the water must be located landward of the shoreline buffers required by this SMP.
  - (c) Impacts to ecological functions must be mitigated according to the mitigation sequence described in SCC 14.26.310(4).
  - (d) An assessment and mitigation plan in accordance with SCC 14.26.310(5) is required. The standards found in SCC 14.26.550 for critical saltwater habitats must also be addressed in the assessment.
  - (e) Aquaculture operations must be designed, located, and managed to minimize impacts to native eelgrass and macroalgae.
    - (i) Aquaculture operations are not required to avoid impacts on eelgrass or macroalgae that colonizes an aquaculture operation.
    - (ii) Aquaculture operations are not required to avoid impacts on non-native eelgrass.

- (f) The harvesting of aquaculture products is subject to all applicable state and federal health regulations, as determined by applicable state and federal agencies.
  - (g) Chemicals used in aquaculture operations must be used in accordance with state and federal regulations, as determined by applicable state and federal agencies.
  - (h) Predator control measures used in aquaculture may not include those intended to kill or injure wildlife. Predator control methods must comply with federal and state regulations, as determined by applicable federal and state agencies.
  - (i) Project applicants must obtain all required state and federal approvals to ensure compliance with established water quality standards and regulations relating to the introduction or transfer of aquatic organisms into or within the County's salt or fresh waters.
  - (j) All aquaculture proposals requiring a shoreline permit must be accompanied, when applicable, by a Joint Aquatic Resources Permit Application (JARPA) and SEPA checklist.
  - (k) The County must, to the greatest extent possible, minimize redundancy in the permit process and rely on documentation submitted by the project applicant to federal or state agencies.
- (5) Floating, hanging, and suspended aquaculture.
- (a) Floating, hanging, and suspended aquaculture must not be located in or interfere with existing navigation lanes or channels. Such structures and facilities in navigable waters must be marked in accordance with U.S. Coast Guard requirements.
  - (b) Floating, hanging, or suspended aquaculture must not have permanent structures that exceed eight feet in height above the water's surface. The Administrative Official may approve hoists and similar equipment that permanently exceeds eight feet in height when there is a clear demonstration of need. The eight-foot height limit does not apply to support vessels, barges, or platforms not permanently moored at the facility.
  - (c) Floating, hanging, or suspended aquaculture that require attaching structures to the bed or bottomlands must use anchors that minimize disturbance to substrate, e.g. helical anchors.
- (6) Shorelines of Statewide Significance.

- (a) Applications for new aquaculture within Shorelines of Statewide Significance must address the policies of RCW 90.58.020.
  - (b) Mechanical disturbance of bottom materials for shellfish harvest is prohibited on Shorelines of Statewide Significance, except the traditional mechanical (drag) dredge shellfish harvest method may be allowed as a conditional use. All hydraulic harvest methods require a Conditional Use Permit.
- (7) Net pens.
- (a) In addition to the General requirements, a net pen application must include:
    - (i) Site characterization survey:
      - (A) Bathymetric survey (bottom features)
      - (B) Hydrographic survey (current velocity and direction, drogue tracking, vertical profiles of temperature, salinity and dissolved oxygen)
      - (C) Underwater photographic survey (presence of critical habitat)
    - (ii) Baseline benthic survey conducted once the net pens are in place, but before they are stocked with fish:
      - (A) Sediment chemistry
      - (B) Infauna sampling
  - (b) A net pen application must demonstrate:
    - (i) that the native fish and wildlife resources will not be significantly impacted; and
    - (ii) that state parks, wildlife refuges or reserves, or habitats of local importance found in SCC 14.24.500(4) will not be significantly impacted.
  - (c) A net pen facility must be located at least 1,500 feet from the OHWM, except a lesser distance may be authorized through a Shoreline Variance if a visual impact analysis demonstrates a lesser distance will not result in a significant adverse impact to aesthetic qualities of the shoreline.
- (8) Geoduck aquaculture.
- (a) A Conditional Use Permit is required for new commercial geoduck aquaculture.

- (b) Geoduck aquaculture should be located where sediments, land and water access, and topography support geoduck aquaculture without significant clearing or grading.
- (c) A single application for a Conditional Use Permit may be submitted for multiple geoduck aquaculture sites within an inlet, bay, or other defined feature, provided the sites are all under control of the same applicant and within Skagit County.
- (d) An application for geoduck aquaculture must include:
  - (i) a narrative description and timeline for all anticipated geoduck planting and harvesting activities;
  - (ii) a baseline ecological survey of the proposed site, including surveys of existing shellfish resources, potential finfish habitat, substrate composition, and aquatic vegetation;
  - (iii) management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations;
  - (iv) whether the proposal involves placing nursery tanks, holding pools or other impervious materials directly on the intertidal sediments;
  - (v) whether the proposal involves the use of motorized vehicles below the ordinary high water mark;
  - (vi) specific periods when limits on activities are necessary to protect priority habitats and associated species and avoid conflicts with neighboring uses;
  - (vii) any required alterations to the natural conditions of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments;
  - (viii) whether the proposal involves marking property corners such that they are visible at low tide during planting and harvesting;
  - (ix) the proposed use of predator exclusion devices and timing of planned removal of such devices;
  - (x) planned methods of minimizing turbid runoff during harvest;
  - (xi) the number and duration of barges or vessels that will be moored or beached at the site;

- (xii) whether the proposal will affect navigation;
  - (xiii) how the prevention of marine debris accumulation will be addressed; and
  - (xiv) whether the site contains existing public access to publicly-owned lands.
- (e) A Conditional Use Permit for geoduck aquaculture:
- (i) may include conditions to avoid or limit impacts from geoduck aquaculture siting and operations;
  - (ii) must identify that the permit entails a right to harvest planted geoduck;
  - (iii) must include mitigation measures as necessary to ensure no net loss of ecological functions;
  - (iv) must include reasonable monitoring and reporting requirements to verify the permitted activity is in compliance with permit conditions. The County may rely on documentation submitted by an aquaculture operator to federal or state agencies to satisfy any monitoring or reporting requirement.
- (f) Notice of an application for geoduck aquaculture must be provided to all property owners within 300 feet of the proposed project boundary and to tribes with usual and accustomed fishing rights to the area.

#### 14.26.420 Boating Facilities and Related Structures and Uses

(1) **Applicability.**

(a) This section applies to:

- (i) “Dock,” meaning structures generally built from the shore and extending over the water to provide moorage for watercraft or float planes or for water-oriented recreation use. Docks may either be anchored to and floating or permanently fixed to pilings. Docks include any of the following types:
  - (A) “Individual dock,” meaning a dock that serves a single lot or single-family residence.
  - (B) “Joint-use dock,” meaning a dock that serves two, three, or four residential units, whether on adjacent lots as single-family residences or as multi-family units, or by a homeowner’s association. [WAC]
  - (C) “Community dock,” meaning a dock that serves five or more residential units or a public park or recreation area.
  - (D) “Commercial/industrial dock,” meaning a dock associated with a commercial or industrial operation.
- (ii) “Launch ramp,” meaning a slab, set of pads, planks, or graded slope used for launching boats with trailers or by hand.
- (iii) “Marina,” meaning a facility that provides storage (wet or dry), launch areas, supplies, and services for pleasure or fishing craft. Marinas may be available to the general public through rental or fee agreements or they may be totally private, or for members of a yacht or country club, or a recreational subdivision. Moorage facilities for recreational subdivisions that provide no other services besides moorage are considered community docks.
- (iv) “Mooring buoy,” meaning an accessory used for the offshore moorage of pleasure craft.
- (v) “Piling,” meaning a heavy post installed to support a structure or moore a vessel.
- (vi) “Recreational float,” meaning a platform structure, not part of a dock, that is anchored for water recreational purposes such as swimming or water skiing, including jump ramps. A recreational float may serve as a temporary moorage (not overnight) and is not considered a dock or mooring buoy.

- (b) This section does not apply to:
  - (i) long-term commercial boat storage located landward of the OHWM, which is regulated under SCC 14.26.430 Commercial Development;
  - (ii) net pens, which are regulated under SCC 14.26.415 Aquaculture; or
  - (iii) overwater homes and floating homes, including liveboards, which are prohibited.
- (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:
- (3) **Application Requirements.** In addition to the general application requirements, applications must include:
  - (a) For all new or expanded uses, including all residential docks, applicants must provide the following:
    - (i) an assessment of potential impacts to existing ecological processes, including but not limited to sediment transport, hydrologic patterns, and vegetation disturbance;
    - (ii) a slope bathymetry map (when the Administrative Official deems beneficial for the review of the project proposal);
    - (iii) an assessment of existing water-dependent uses in the vicinity and documentation of potential impacts to those uses and proposed mitigation measures.
  - (b) For all new or expanded marinas, launch ramps, and commercial or industrial docks, other than residential docks, applicants must provide an assessment of need and demand, including, but not limited to, the following:
    - (i) existing approved similar facilities, or pending applications, within the service range of the proposed new facility and their current levels of use;
    - (ii) 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 width or necessary water depth.
- (4) **Development Standards.**
  - (a) Generally. Structures and uses must:

- (i) minimize the area of water covered;
- (ii) minimize hazards and obstructions to navigation;
- (iii) minimize obstructions to the use of neighboring docks or recreational floats;
- (iv) minimize the need for new or maintenance dredging;
- (v) minimize impacts on public swimming beaches, valuable public fishing areas, or aquaculture facilities;
- (vi) avoid blocking or obstructing lawfully existing or planned public shoreline access;
- (vii) avoid the need for new shoreline stabilization, or where stabilization is demonstrated as necessary by a study prepared consistent with SCC 14.26.480 Structural Shoreline Stabilization, and minimize to only that necessary to adequately protect facilities, users, and watercraft from floods or destructive storms;
- (viii) design the facility so that any moored boats must be located in water deep enough to prevent prop scour, unless the applicant can demonstrate that prop scour will not adversely impact aquatic vegetation or increase suspended sediment loads;
- (ix) on lakes with anadromous fish, a floating structure's landward edge must be at least 7 feet above the lake bottom when measured at ordinary low water;
- (x) use open frameworks for any safety railings (which do not count toward the height limit) that do not unreasonably interfere with shoreline views;
- (xi) mark structures with reflectors or other devices to prevent hazardous conditions for other water surface users;
- (xii) prevent grounding of floating structures or objects (using float stoppers as needed);
- (xiii) use a generally non-reflective exterior finish when necessary to reduce glare;
- (xiv) avoid use of any new skirting;
- (xv) avoid use of any overhead wiring or plumbing;
- (xvi) provide and maintain garbage and recycling receptacles at locations convenient to users;

(xvii) provide utilities (e.g. water, electricity, sewer) for the use concurrent with the development unless situated where they are already available.

(b) Docks.

(i) Docks are allowed only for water-dependent uses or public access. A dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.

(ii) Standards for all docks.

(A) Structure type.

(I) On lakes and marine waters, only docks that are fixed-piling and floating, or some combination of the two, are allowed.

(II) On rivers, only floating docks are allowed.

(B) Minimum height.

(I) The bottom of any piers or the landward edge of any ramp must be the maximum practical height from the ground, but not less than 1.5 ft above the OHWM.

(II) The freeboard height on all floating segments must be at least 10 inches.

(iii) Preference for joint use.

(A) Only one dock is allowed per platted or subdivided shoreline lot or unplatted shoreline tract owned for residential purposes.

(B) For all new residential development of two or more waterfront dwelling units or subdivisions or other divisions of land, only joint-use or community docks are allowed.

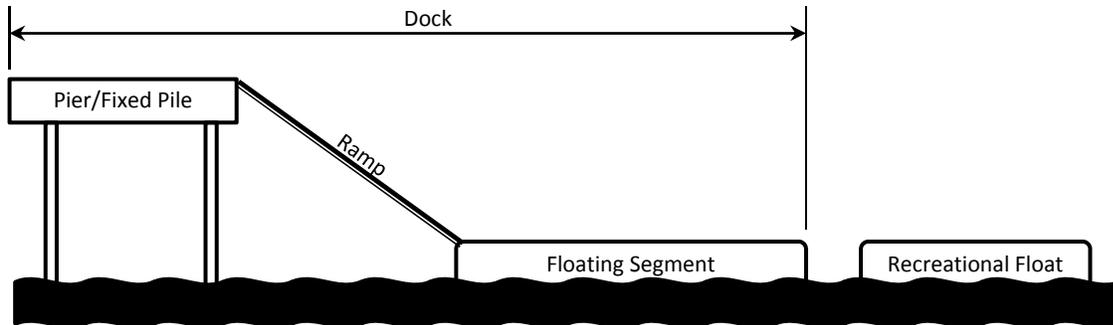
(C) For existing lots, individual docks are only allowed if the applicant can demonstrate that all other reasonable community or joint-use options have been investigated and found infeasible.

(D) For commercial/industrial docks, joint use is preferred.

(iv) Additional standards for community docks associated with subdivisions.

- (A) A site for shared moorage at a community dock must be owned in undivided interest by property owners or managed by a homeowner's association as a common easement within the residential community that is served by the dock.
  - (B) A community dock must be designed to accommodate no more than 0.75 boats per residential unit that shares a legal interest.
  - (C) One additional boat moorage location for guests may be included in the design for every ten residential units served.
- (v) Additional standards for commercial/industrial docks.
- (A) The design, size, and construction of a commercial/industrial dock must be based on the needs analysis submitted per paragraph (3)(b). This provision allows the flexibility necessary to provide for existing and future water-dependent uses.
- (vi) Additional standards for all docks.

**Figure 14.26.420-1. Illustration of dock components**



**Table 14.26.420-1. Standards for docks.**

Element/ Sub-Element	Water Type			
	Marine Waters	Lakes With Anadromous Fish	Lakes Without Anadromous Fish	Rivers
<b>Max Height from Surface of Water</b>				
Individual dock		3 ft	3 ft	3 ft
Joint-use dock		3 ft	3 ft	3 ft
Commercial/Industrial Docks	as demonstrated by needs analysis			
<b>Max Width for Individual and Joint-Use Docks</b>				
Pier/Fixed-Piling	6 ft	4 ft for single use; 6 ft for joint use	6 ft	NA
Ramp	4 ft	4 ft	4 ft	4 ft
Floating section	8 ft	8 ft	8 ft	8 ft
<b>Max Width for Community Docks</b>				
All segments	8 ft			
<b>Max Width for Commercial/Industrial Docks</b>				
All segments	as demonstrated by needs analysis			
<b>Max Length as measured from OHWM</b>				
Individual docks	50 ft, except if existing docks within 300 ft of side property lines, maximum is average length of existing docks			
Joint-use docks	50 ft, except if there are existing docks within 300 ft of side property lines, maximum is average length of existing docks + 15 ft			
Community docks and docks associated with marinas	minimum capable of accommodating the intended use, up to 250 ft, or up to 300 ft only if necessary to reach adequate moorage depth; in no case may the length exceed one-third of the width of the water body or interfere with navigation or other public uses of the water			
Commercial/Industrial docks	as demonstrated by needs analysis			
<b>Decking</b>				
Pier/Fixed-piling	Grating not required if ≤ 4 ft wide; otherwise minimum 30% functional grating	Minimum 40% functional grating	Grating not required if ≤ 4 ft wide; otherwise minimum 40% functional grating	
Ramps	Fully grated	Fully grated	Fully grated	Fully grated
Floating section, individual dock	Minimum 30% functional grating if ≤ 6 ft wide; Minimum 50% functional grating if > 6 ft wide			
Floating section, joint- use dock	Minimum 50% functional grating			
Floating section, community dock	Minimum 50% functional grating			

Element/ Sub-Element	Water Type			
	Marine Waters	Lakes With Anadromous Fish	Lakes Without Anadromous Fish	Rivers
<b>Other uses</b>				
Boat/watercraft lifts	Not permitted	Maximum one free-standing boatlift and two personal watercraft lifts per dwelling unit		Not permitted
Watercraft lift canopies	Not permitted	Permitted provided they are constructed of light permeable fabric		Not permitted

(c) Launch Ramps

- (i) A launch ramp is allowed only if it provides access to waters that are not adequately served by existing access facilities, or if use of existing facilities is demonstrated to exceed the designed capacity by the needs analysis required by paragraph (3)(b).
- (ii) A launch ramp must be located:
  - (A) to minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris;
  - (B) where there is adequate water mixing and flushing;
  - (C) where they will not adversely affect flood channel capacity or otherwise create a flood hazard; and
  - (D) where water depths are adequate to eliminate or minimize the need for dredging or filling.

(d) Marinas

- (i) The Administrative Official may approve up to 50 feet of additional dock length without a Shoreline Variance if the additional length is needed to reach adequate moorage depth, the total length does not exceed one-third of the width of the waterbody, and the extension would not interfere with navigation or other public uses of the water.
- (ii) Marinas must provide physical or visual public access for as many water-oriented recreational uses as possible, commensurate with the scale of the proposal.
- (iii) Marinas must provide:

- (A) restrooms available twenty-four hours a day for use by any patron of the marina facility;
  - (B) sewage disposal facilities (pump out, holding, or treatment facilities);
  - (C) trash and recycling receptacles.
- (iv) Marinas must provide fail-safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products.
  - (v) Marina operators must post all regulations pertaining to handling, disposal, and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them. Rules for spill prevention and response, including reporting requirements, must be posted on site. Discharge of sewage, solid waste, fuels and oil, unused bait, and fish or shellfish cleaning wastes into marine water is prohibited.
  - (vi) All pipes, plumbing, wires, and cables at a marina must be placed at or below ground and dock levels.
- (e) Moorage.
- (i) New covered moorage is prohibited, except when necessary for operation of a water-dependent use at commercial, industrial, or transportation-related facilities.
  - (ii) Extended mooring on waters of the state is prohibited, except as allowed by applicable state regulations and where a lease or permission is obtained from the State and impacts to navigation and public access are mitigated.
  - (iii) Temporary moorages are allowed for vessels used in the construction of boating facilities provided that:
    - (A) Upon termination of the project, the aquatic habitat in the affected area is returned to its pre-construction condition within one year;
    - (B) Construction vessels may not ground or otherwise disturb substrates; and
    - (C) Temporary moorage is located to minimize shading of aquatic vegetation.

- (f) Mooring buoys.
  - (i) A private mooring buoy may secure no more than two vessels.
  - (ii) Location.
    - (A) Mooring buoys must be located more than 50 feet but less than 300 feet (or one-third of the width of the water body, whichever is less) from the OHWM.
    - (B) The location of existing buoys, docks, and other structures should be considered when locating mooring buoys.
    - (C) Private mooring buoys may not be placed in a location that would interfere with access to private or public property.
    - (D) In addition to other location requirements, in order to avoid impacts to critical habitats, components of the mooring buoy (anchor, buoy, or moored vessel) may not be located within:
      - (I) 25 feet of vegetated shallows (except where such vegetation is limited to state-designated noxious weeds);
      - (II) 300 feet of spawning habitat for ESA-listed fish species; or
      - (III) 25 feet of spawning habitat for other fish species.
- (g) Pilings
  - (i) Standards for all pilings.
    - (A) Pilings must be structurally sound and cured prior to placement in or exposure to the water.
    - (B) Pilings must not be treated with pentachlorophenol, creosote, copper naphthalene, chromate copper arsenate, or comparably toxic compounds. Preferred pilings are constructed of steel, concrete, plastic, or untreated wood.
    - (C) Pilings must be the smallest diameter necessary.
  - (ii) Mooring pilings are preferred over additional decked overwater structures that serve the same purpose.
  - (iii) Additional standards for mooring pilings as an accessory use to a dock:

- (A) Pilings may not be located farther than 20 feet from the side of a dock.
  - (B) Pilings may not be placed farther waterward than the end of the dock.
  - (C) Piling height must be between 2 and 6 feet above the OHWM.
- (iv) Additional standards for pier-support or float-anchoring pilings:
- (A) Pilings in freshwater must be spaced at least 18 feet apart on the same side of any component of a dock, unless the component is shorter than 18 feet or a need for reduced piling spacing is documented by a professional engineer.
  - (B) Pilings in marine water must be spaced at least 20 feet apart on the same side of any component of a dock, unless the component is shorter than 20 feet or a need for reduced piling spacing is documented by a professional engineer.
- (h) Recreational Floats
- (i) Except for floats that are part of a pier or dock, floats used primarily for moorage are prohibited.
  - (ii) Dimensional standards.
    - (A) Private recreational floats serving four or fewer dwelling units must be no longer or wider than 8 feet.
    - (B) All other recreational floats should be the minimum size necessary to support the intended use.
  - (iii) Preference for joint use.
    - (A) Only one recreational float is allowed for each waterfront parcel or adjoining waterfront parcels under single ownership.
    - (B) Individual recreational floats are only allowed if the applicant can demonstrate that all other reasonable community or joint-use options have been investigated and found infeasible.
- (5) Mitigation
- (a) New or expanded uses should follow mitigation sequencing consistent with SMP Part V, Critical Areas.

- (b) Mitigation proposals must provide mitigation at a minimum 1:1 ratio, by area, of new overwater cover to mitigation action using one or more of the mitigation measures listed under (c) below. The ratio should be increased if the measure will take more than one year to provide equivalent function or if the measure does not have a high success rate. Applicants should consult with other permit agencies, such as Washington Department of Fish and Wildlife or U.S. Army Corps of Engineers, for additional specific mitigation requirements.
- (c) For new development and expansion of existing footprints, appropriate mitigation may include one or more of the following measures:
  - (i) Removal of any additional legal existing overwater or in-water structures that are not the subject of the application or are not otherwise required to be removed.
  - (ii) Replacement of areas of existing solid overwater cover with grated material or use of grating on those altered portions of docks if they are not otherwise required to be grated.
  - (iii) Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of a density and composition of trees and shrubs typically found in undisturbed areas adjacent to the subject waterbody.
  - (iv) Removal or ecological improvement of hardened shoreline, including existing launch ramps or structural shoreline stabilization. Improvements may consist of softening the face and toe of the stabilization with soil, gravel, and cobbles and incorporating vegetation or large woody debris.
  - (v) Removal of man-made debris waterward of the OHWM, such as car bodies, oil drums, concrete or asphalt debris, remnant docks, or other material detrimental to ecological functions and ecosystem-wide processes.
  - (vi) Placement of large woody debris if consistent with local, state and federal regulations.
  - (vii) Participation in an approved mitigation program.
- (d) In-kind measures are preferred over out-of-kind measures when consistent with the objective of compensating for adverse impacts to ecological function.

#### 14.26.445 Forest Practices

(1) **Applicability.**

- (a) This section applies to “forest practices,” meaning any activity conducted on or directly pertaining to forestland and relating to growing, harvesting or processing timber, including, but not limited to:
  - (i) road (including bridge and watercrossings) and trail construction;
  - (ii) harvesting, final and intermediate;
  - (iii) pre-commercial thinning;
  - (iv) reforestation;
  - (v) fertilization;
  - (vi) prevention and suppression of diseases and insects;
  - (vii) salvage of trees; and
  - (viii) brush control.
- (b) This section does not apply to:
  - (i) preparatory work such as tree marking, surveying, and removal of incidental vegetation such as berries, greenery, or other natural products whose removal cannot normally be expected to result in damage to shoreline natural features, which is not regulated by this SMP;
  - (ii) log storage away from forestlands, which is regulated by SCC 14.26.450 Industrial Development.

(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) **Timber Cutting on Shorelines of Statewide Significance.** Per RCW 90.58.150, on shorelines of statewide significance, with respect to timber situated within 200 feet landward of the OHWM, only selective commercial timber cutting is allowed, and no more than 30 percent of the merchantable trees may be harvested in any ten-year period, provided:
  - (i) That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices

necessary for regeneration render selective logging ecologically detrimental;  
and

- (ii) That clear cutting of timber that is solely incidental to the preparation of land for other uses may be permitted. [Existing SMP 7.05(2.)(B.)(2) & RCW 90.58.150]

**(3) Application requirements.**

- (a) Forest practices likely to convert to non-forest uses, as defined in SCC 14.24.110 (County regulation of forest practices for the protection of critical areas), require shoreline review.
- (b) All other forest practices are regulated by the Forest Practice Rules and do not require shoreline review. [WAC 173-26-241(3)(e)]

**(4) Development standards.**

- (a) Forest practices in shoreline jurisdiction must comply with:
  - (i) RCW Chapter 76.09 (Forest Practices); and
  - (ii) WAC 222 (Forest Practices Rules).
- (b) Forest practices likely to result in conversion to non-forest uses must:
  - (i) comply with SMP Part V (Critical Areas);
  - (ii) limit the conversion to the minimum necessary, while complying with the purpose of the shoreline environment designation, general policies and regulations, and specific shoreline modification and use policies on the subject property; [Proposed based on principles of environmental impact mitigation in WAC 173-26-201(2)(e), vegetation conservation in WAC 173-26-221(5), and low impact development principles]
  - (iii) ensure no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources, and values provided for in RCW 90.58.020 such as navigation, recreation, and public access. [WAC 173-26-241(3)(e)].

#### **14.26.465 Recreational Development.**

(1) **Applicability.**

- (a) This section applies to “recreational development,” meaning modification of the natural or existing environment to accommodate recreation, including land clearing, earth modifications, structures, and other facilities such as parks, camps, campgrounds, camping clubs, golf courses, and other outdoor recreation areas.
- (b) This section does not apply to second home subdivisions of land, resorts, motels, hotels, and other commercial enterprises, but does apply to recreational uses associated with such development.

(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) Recreational development must relate to access, enjoyment, and use of the shorelines of the state. Uses such as restrooms, recreation halls and gymnasiums, commercial services, access roads, and parking lots, must be located according to the following preferences:
  - (i) outside of shoreline jurisdiction, where feasible; or
  - (ii) landward of water-oriented uses unless it can be shown that such facilities are essentially shoreline dependent.
- (b) Motor and recreational vehicles.
  - (i) Licensed and unlicensed recreational motor vehicles and all forms of all-terrain vehicles are allowed only on roads, trails, or developments consistent with this SMP.
  - (ii) All vehicle use in recreational development is prohibited in critical areas except for emergency or approved maintenance activities, boat launching, and the on and off loading of handicapped persons.

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

- (a) Reserved.

(4) **Development Standards.**

- (a) Recreational development must be designed to minimize conflict with on-site and nearby shoreline uses. Techniques to increase compatibility with nearby shoreline uses may include, but are not limited to, providing a physical separation to reinforce the distinction between public and private space, providing signage, providing adequate space, and providing screening with landscape planting or fences.
- (b) Recreational developments must be located, constructed, and operated not to become a hazard to public health and safety nor materially interfere with the normal public use of the shorelines.
- (c) Recreational developments must be designed in consideration of public agency recreation plans to avoid conflict with the implementation of such plans.
- (d) Fertilizers, pesticides, and herbicides.
  - (i) Recreational developments requiring the use of fertilizers, pesticides, and herbicides must leave a chemical free swath at least 25 feet in width from water bodies and wetlands, unless another BMP achieving equivalent results can be incorporated or near-shore or waterward application is deemed necessary and applied consistent with manufacturer specifications.
  - (ii) Recreational developments requiring the use of fertilizers, pesticides, and herbicides must not unduly burden nor create use conflicts with adjacent and nearby public or private recreation facilities and areas.

#### 14.26.480 Structural Shoreline Stabilization

(1) **Applicability.**

- (a) This section applies to “structural shoreline stabilization,” meaning physical improvements to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. [WAC 173-26-231]
  - (i) “Hard shoreline stabilization” means shoreline stabilization involving solid, hard surfaces, such as concrete bulkheads.
  - (ii) “Soft shoreline stabilization” may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
- (b) Existing structural shoreline stabilization measures are regulated by this section and not by SMP Part VI, Legal Pre-Existing Uses and Structures. See subsection (5).
- (c) This section does not apply to “nonstructural stabilization,” which includes building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization. [second part of WAC 173-26-231]

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

- (a) New hard shoreline stabilization structures are prohibited, 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 shoreline stabilization structures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions.
- (b) In all cases, the feasibility of soft shoreline stabilization must be evaluated prior to a request for hard structural stabilization.
- (c) New or enlarged stabilization structures are prohibited except in the following situations:
  - (i) To protect an existing primary structure, including a residence, 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 shoreline stabilization. (WAC 173-26-231(3)(a)(iii)(B)(I))

(ii) 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 currents or waves. (WAC 173-26-231(3)(a)(iii)(B)(II))

(iii) 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. (WAC 173-26-231(3)(a)(iii)(B)(III))

(iv) 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. (WAC 173-26-231(3)(a)(iii)(B)(IV))

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

(a) For all shoreline stabilization structures, the application must include:

- (i) A geotechnical analysis prepared by a qualified professional that includes the following:
  - (A) An assessment of the necessity for shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation.
  - (B) An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM. []
  - (C) Design recommendations for minimum sizing of hard or soft shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.
  - (D) An assessment of alternative shoreline stabilization measures, including:
    - (I) Placing the structure farther from the OHWM.
    - (II) Correcting any on-site groundwater or drainage issues that may be causing shoreline erosion.
  - (E) Where shoreline stabilization structures are determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures instead of hard shoreline stabilization. (WAC 173-26-231(3)(a)(iii)(E))
  - (F) An assessment of the anticipated effects of the proposed project on neighboring properties and ecosystem processes and functions, including, but not limited to effects on feeder bluffs, drift cells, and eroding shorelines.
- (ii) Detailed construction plans that include 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.
- (C) For projects that include native vegetation, a detailed five-year vegetation maintenance and monitoring program to include the following:
- (I) Goals and objectives of the shoreline stabilization plan;
  - (II) Success criteria by which the implemented plan will be assessed;
  - (III) 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 Administrative Official and all other agencies with authority;
  - (IV) A performance standard of 100% survival for the first year of growth post installation, with no less than 80% survival at the end of the third year; and
  - (V) A contingency plan and a bond in an amount and form acceptable to the County in case of failure.
- (b) For replacement of existing hard shoreline stabilization structures, the application must also include a written narrative prepared by a qualified professional that demonstrates the need and includes the following:
- (i) 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. This assessment 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.
  - (ii) 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.

- (iii) Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.

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

- (a) New or expanded shoreline stabilization structures. New hard and soft structural shoreline stabilization must include measures designed to address erosion impacts.
- (b) 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:
  - (i) 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 trees, or where necessary to connect to existing shoreline stabilization measures on adjacent properties. When needed, hard structural shoreline stabilization transition areas should be minimized and extend into the subject property from the property line no more than 10 feet.
  - (ii) For new, expanded, 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 (also known as rip rap) provided the placement of boulders does not effectively present a continuous wall or face to oncoming waves.
  - (iii) 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. (WAC 173-26-231(3)(a)(iii)(C))

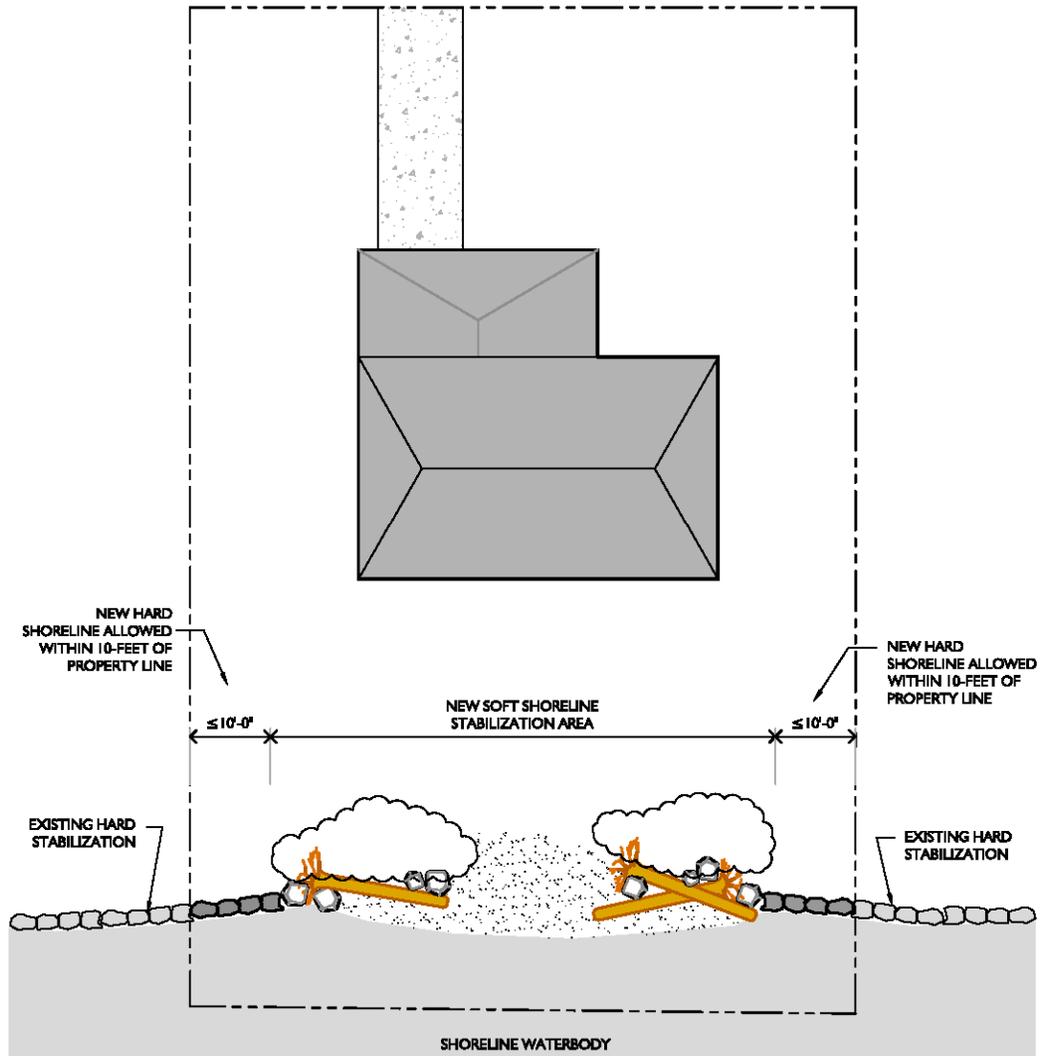
- (iv) All shoreline stabilization measures must minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities, consistent with Part V, Critical Areas. Impact minimization techniques may include compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.
- (v) All new, expanded, or replacement hard structural shoreline stabilization measures must minimize any long-term adverse impacts to ecological processes and functions by incorporating the following measures into the design:
  - (A) Minimizing the size of hard structural shoreline stabilization measures, including height, depth, and mass;
  - (B) Shifting the hard structural shoreline stabilization landward, or sloping the hard structural shoreline stabilization landward, or both, to provide some dissipation of wave energy and increase the quality or quantity of near shore shallow-water habitat.
  - (C) Minimizing impacts to natural erosion and accretion areas.
- (vi) New and expanded shoreline stabilization measures must mitigate any adverse impacts to ecological functions by incorporating the following measures into the design if appropriate for local conditions:
  - (A) Restoring 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.
- (c) Planting vegetation consistent with Part V, Critical Areas, and SCC 14.26.380 Vegetation Conservation.
  - (A) 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.

- (ii) Shoreline stabilization measures must not significantly interfere with normal surface and subsurface drainage into the adjacent water body.
  - (iii) Shoreline stabilization measures must not be a hazard to navigation.
  - (iv) 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.
  - (v) Shoreline stabilization measures must not restrict appropriate public access to the shoreline. When a structural shoreline stabilization measure is required at a public access site, provisions for safe access to the water must be incorporated into the design (e.g., steps integrated into the bulkhead, coved area with shallow entry). Access measures should not extend farther waterward than the face of the shoreline stabilization measure and the OHWM.
  - (vi) Areas of temporary disturbance within the shoreline buffer must be expeditiously restored to their pre-project condition or better.
  - (vii) 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.
  - (viii) Per RCW 90.58.580, when a shoreline restoration project that includes shoreline stabilization intended to improve ecological functions shifts the OHWM landward:
    - (A) The project may not be approved until the applicant submits a declaration that the applicant has notified the owners of all affected properties by the shoreline jurisdiction creation or increase on such property.
    - (B) 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 with the Auditor on a Department-approved form.
- (d) **Hard structural shoreline stabilization standards.**
- (i) 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.

- (ii) 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 water body occurs nor does net creation of uplands occur.
  - (iii) 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.
  - (iv) 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. All other replacement hard structural shoreline stabilization measures must be located at or landward of the existing shoreline stabilization structure. (WAC 173-26-231(3)(a)(iii)(C))
- (e) **Soft structural shoreline stabilization standards.** In addition to applicable general design standards and hard structural shoreline stabilization standards above, the following standards apply:
- (i) 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, 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 (see diagram below). 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.



- (ii) The soft shoreline stabilization design must size and arrange any gravels, cobbles, logs, and boulders so that the project remains stable during a two-year flood event on rivers and under typical boat- and wind-driven wave conditions on lakes, including storm events, and dissipates wave and current energy, without presenting extended linear faces to oncoming waves or currents.