



# Skagit County Planning & Development Services

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## Memorandum

To: Planning Commission  
From: Betsy Stevenson  
Date: April 23, 2014  
Re: Updates to draft for review on May 6

### Next Meeting

For review at the next meeting, we have attached (with page numbers!) the revisions to the sections you were scheduled to review from the last memo but have not yet completed, so that you only need to read one memo to prepare for the May 6 meeting:

- SCC 14.26.420 Boating Facilities... and CP 6C-3 [new version with substantive changes]
- SCC 14.26.425 Breakwaters and CP 6C-4 [no changes from Feb 4 draft]
- SCC 14.26.430 Commercial Development and CP 6D-2 [new version with substantive changes]
- SCC 14.26.435 Dredging and CP 6C-5 [newly-formatted, with some substantive changes]
- SCC 14.26.440 Fill, Excavation, and Grading and CP 6C-6 [newly-formatted with substance essentially unchanged]

Bob Warriner of the Washington Department of Fish and Wildlife will attend the meeting for a brief presentation and to be able to answer PC questions.

### Scheduling

Adjusting the schedule forward, the PC will review the following sections on May 20:

- SCC 14.26.445 Forest Practices and CP 6C-7
- SCC 14.26.450 Industry and CP 6D-4
- SCC 14.26.455 In-Stream Structures and CP 6C-8
- SCC 14.26.460 Jetties and Groins and CP 6C-9
- SCC 14.26.465 Mining and CP 6C-10
- SCC 14.26.470 Recreational Development and CP-6F

And then the remaining sections on June 3:

- SCC 14.26.475 Residential Development and CP 6C-11
- SCC 14.26.480 Shoreline Habitat Enhancement and CP-6K
- SCC 14.26.485 Shoreline Stabilization and CP 6C-12
- SCC 14.26.490 Transportation and Parking and CP-6G
- SCC 14.26.495 Utilities and CP 6C-13

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

##### **(1) General Provisions.**

###### **(a) Applicability.**

- (i) This section applies to all in-water and overwater structures and uses that facilitate the launching or mooring of vessels in marine or fresh waters, including all docks, marinas, mooring buoys, launch ramps, and recreational floats.
- (ii) This section does not apply to:
  - (A) piers, wharves, and docks for port, industrial, or commercial purposes, which are regulated under Commercial Development or Industry in Part IV of this SMP;
  - (B) long-term commercial boat storage located landward of the OHWM, which is regulated under SCC 14.26.430 Commercial Development;
  - (C) net pens, which are regulated under SCC 14.26.415 Aquaculture; or
  - (D) overwater homes and floating homes, including liveaboards, which are prohibited.

###### **(b) When Allowed.**

- (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) Structures and uses are not allowed in the following shoreline areas except as provided below:
  - (A) Marshes, estuaries or other wetlands;
  - (B) Spawning and holding areas for priority anadromous or priority resident fish;
  - (C) Critical saltwater habitats;
  - (D) Channel migration zones;
  - (E) Areas where a flood hazard will be created and cannot be mitigated;

- (F) Areas where impacts to shoreline ecological functions and processes cannot be mitigated.
- (iii) Structures and uses may be permitted as a Shoreline Conditional Use in the areas listed above only if:
  - (A) The project provides moorage for five or fewer boats or is smaller than 1,000 square feet waterward of the OHWM; and
  - (B) For a commercial or public boating facility in critical saltwater habitat, the project demonstrates a public need.
- (c) Accessory uses. Accessory development (e.g. parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities) is allowed if necessary to support the water-oriented use, or by Conditional Use Permit.
- (d) Preference for joint use.
  - (i) For all new residential development of two or more waterfront dwelling units or subdivisions or other divisions of land occurring after the effective date of this SMP, only joint-use or community docks and recreational floats are allowed.
  - (ii) For existing lots, single-use docks or 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.
- (2) **Application Requirements.** In addition to the general application requirements, applications must include:
  - (a) The following studies, as applicable for all new or expanded boating facilities, including single-owner or joint-use residential docks:
    - (i) Applicants must provide habitat surveys and critical area studies consistent with SCC 14.26.310, Environmental Protection and Part V, Critical Areas Regulations in Shoreline Jurisdiction.
    - (ii) Applicants must provide an assessment of potential impacts to existing ecological processes, including but not limited to sediment transport, hydrologic patterns, and vegetation disturbance.
    - (iii) A slope bathymetry map may be required when deemed beneficial by the Administrative Official for the review of the project proposal.

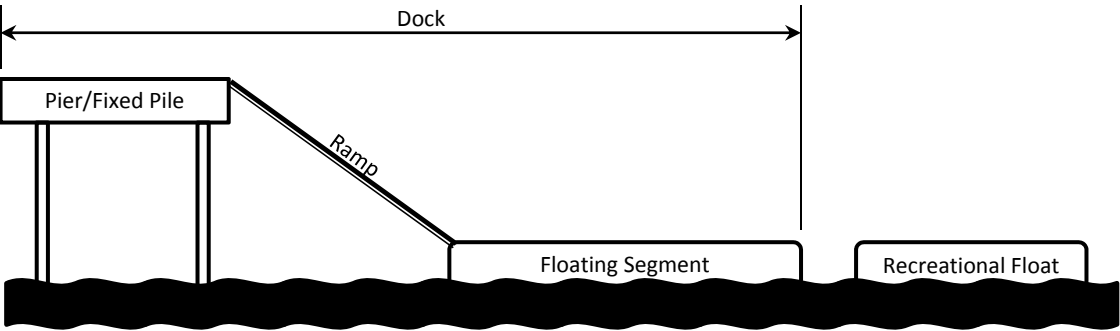
- (iv) An assessment of existing water-dependent uses in the vicinity and documentation of potential impacts to those uses and proposed mitigation measures.
- (b) For all new or expanded structures or uses, other than single-owner or joint-use residential docks, applicants must provide an assessment 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.

**(3) Development Standards**

- (a) Generally. Structures and uses must:
  - (i) Minimize the area of water covered;
  - (ii) Minimize hazards and obstructions to public navigation rights;
  - (iii) Minimize the need for new or maintenance dredging;
  - (iv) Minimize impacts on public swimming beaches, valuable public fishing areas, or aquaculture facilities;
  - (v) Avoid and minimize potential adverse impacts consistent with requirements for mitigation sequencing in SCC 14.26.310, Environmental Protection. All unavoidable adverse impacts must be mitigated, and a mitigation plan.
  - (vi) Avoid adversely impacting shoreline ecological functions or processes;
  - (vii) Avoid blocking or obstructing lawfully existing or planned public shoreline access;
  - (viii) Avoid the need for new shoreline stabilization, or where stabilization is demonstrated as necessary by a study prepared consistent with SCC 14.26.485 Shoreline Stabilization, minimize to only that necessary to adequately protect facilities, users, and watercraft from floods or destructive storms;
  - (ix) Provide and maintain garbage and recycling receptacles at locations convenient to users;

- (x) Provide utilities (e.g. water, electricity, sewer) for the use concurrent with the development unless situated where they are already available.
  - (xi) 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;
  - (xii) On lakes with anadromous fish, the landward edge of a floating structure must be at least 7 feet above the lake bottom when measured at ordinary low water. New skirting is prohibited on any structure.
  - (xiii) When using safety railings must meet International Building Code requirements and use an open framework that does not unreasonably interfere with shoreline views. Safety railings do not count toward the height limit.
  - (xiv) Mark structures with reflectors or other devices to prevent hazardous conditions for other water surface users;
  - (xv) Prevent grounding of floating structures or objects. Use float stoppers as needed to prevent grounding;
  - (xvi) Use a generally non-reflective exterior finish to reduce glare;
  - (xvii) Not use any overhead wiring or plumbing .
- (b) Docks, Piers, and Wharves
- (i) No more than one dock is permitted per platted or subdivided shoreline lot or unplatted shoreline tract owned for residential purposes.
  - (ii) Community docks
    - (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.

**Figure 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>Structure</b>				
Type	Combination fixed-pile and floating			Floating
<b>Max Height</b>				
All segments	See note 1.	3 ft	3 ft	3 ft
<b>Max Width for Single-Owner and Joint-Use Docks</b>				
Pier/Fixed-Pile	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 Length as measured from OHWM</b>				
Single owner	50 ft, except if existing docks within 300 ft of side property lines, maximum is average length of existing docks			
Joint use	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	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			
<b>Decking</b>				
Pier/Fixed-pile	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, single owner	Minimum 30% functional grating if ≤ 6 ft wide; Minimum 50% functional grating if > 6 ft wide			
Floating section, joint use	Minimum 50% functional grating			
Floating section, community	Minimum 50% functional grating			
<b>Other uses</b>				
Boat/watercraft lifts	Not permitted	Maximum 1 free-standing boatlift and 2 personal watercraft lifts per dwelling unit		Not permitted
Watercraft lift canopies	Not permitted	Permitted provided they are constructed of light permeable fabric		Not permitted
Covered moorage	Not permitted	Not permitted	Not permitted	Not permitted

Note 1. 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. The freeboard height on all floats must be at least 10 inches.

(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.
- (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) Dimensions.
  - (A) No component (e.g. float, ramp, pier, dock) of a marina may be wider than 8 feet.
  - (B) Marinas must be no longer than 250 feet measured perpendicularly from the OHWM. The Administrative Official may approve up to 50 feet of additional length without a Shoreline Variance if the additional length is needed to reach adequate moorage depth, provided 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 adequate restroom and sewage disposal facilities (pump out, holding, or treatment facilities).



- (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.
- (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 listed fish species; or
  - (III) 25 feet of spawning habitat for other fish species.

(g) Mooring Piles

- (i) Mooring piles are preferred over additional decked overwater structures that serve the same purpose.
- (ii) Standards for all mooring piles:
  - (A) Piles must be structurally sound and cured prior to placement in or exposure to the water.
  - (B) Piles must not be treated with pentachlorophenol, creosote, copper naphthalene, chromate copper arsenate, or comparably toxic compounds. Preferred piles are constructed of steel, concrete, plastic or untreated wood.
  - (C) Piles must be the smallest diameter necessary.
- (iii) Additional standards for pier-support or float-anchoring piles:
  - (A) Piles 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 pile spacing is documented by a professional engineer.
  - (B) Piles 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 pile spacing is documented by a professional engineer.
- (iv) Additional standards for mooring piles as an accessory use to a dock:

- (A) Piles may not be located farther than 20 feet from the side of a dock.
- (B) Piles may not be placed farther waterward than the end of the dock.
- (C) Pile height must be between 2 and 6 feet above the OHWM.

(h) Recreational Floats

- (i) 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.
- (ii) Recreational floats do not have to meet side setback requirement if designated for joint-use between two or more adjoining waterfront properties.
- (iii) Only one recreational float may be approved for adjoining waterfront parcels under single ownership.
- (iv) Recreational floats supplementary to an existing dock may be approved only when necessary for safety or to accommodate the expected level of recreation use.

(4) Existing Uses and Structures

(a) Replacement.

- (i) Any of the following are considered a new facility and must be designed consistent with any applicable design and mitigation standards for new facilities in this section.
  - (A) Replacement of the entire overwater facility;
  - (B) Replacement of 75 percent or more (cumulatively over a five-year period) of support piles;
  - (C) Replacement of 75 percent or more (cumulatively over a five-year period) of a boat launch.
- (ii) The Administrative Official may approve an alternative design without a Shoreline Variance if it meets all of the following criteria:

- (A) All appropriate federal agencies have already approved the proposal;
  - (B) Any adverse ecological impacts are fully mitigated; and
  - (C) The total square footage of the replacement facility is no larger than the existing facility.
- (b) Modification or Enlargement.
  - (i) Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.
  - (ii) Enlarged portions must comply with any applicable dimensional, design, and mitigation standards for new facilities.
- (c) Repair.
  - (i) Repairs to existing legally established facilities that fall below the standards identified in (4)(a) are permitted consistent with all other applicable codes and regulations.
  - (ii) All repairs must utilize any material standards specified for new facilities.
- (5) Mitigation
  - (a) Consistent with the mitigation sequencing steps outlined in SCC 14.26.310, Environmental Protection, new or expanded boating facilities should be designed to avoid and then minimize impacts, prior to pursuing mitigation.
  - (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.

#### **14.26.430 Commercial Development**

- (1) General Provisions.
  - (a) Applicability. This section applies to uses that meet the definition of “commercial development,” “institutional development,” or “essential public facility.”
  - (b) Preference will be given to commercial uses in descending order of priority:
    - (i) Water-dependent commercial uses;
    - (ii) Water-related and water-enjoyment commercial uses;
    - (iii) Nonwater-oriented commercial uses.
  - (c) Nonwater-oriented commercial uses on the shoreline are prohibited unless they meet one or more of the following criteria:
    - (i) Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to the SMA's objectives, such as providing public access or ecological restoration.
    - (ii) The site is physically separated from the shoreline by another property or a public right of way.
    - (iii) The use is part of a mixed-use project that meets all of the following criteria:
      - (A) The mixed-use project includes one or more water-dependent uses;
      - (B) The underlying zoning district permits residential uses together with commercial uses;
      - (C) Significant public benefit is provided in accordance with the objectives of the SMA, such as providing public access per SCC 14.26.360 Public Access, and ecological restoration per SCC 14.26.480 Shoreline Habitat and Natural Systems Enhancement Projects;
      - (D) Residential uses meet requirements of SCC 14.26.475 Residential Development.
  - (d) Nonwater-dependent commercial uses are not allowed overwater, except in existing commercial structures or when they are necessary in support of water dependent uses.

- (e) New commercial development that requires shoreline stabilization in conjunction with the placement of fill material within Aquatic shoreline areas is prohibited.
- (2) Application Requirements.
- (a) The application must demonstrate to the satisfaction of the Administrative Official that a proposed commercial use meets the definition of a water-oriented use, i.e. water-dependent, water-related or water-enjoyment.
- (3) Development Standards.
- (a) Accessory commercial uses (e.g. parking, storage, service, circulation areas) that do not require a shoreline location must be located landward of the water-oriented portions of the development and comply with shoreline buffers for nonwater-oriented uses. Accessory commercial uses may be allowed in existing structures or where necessary in support of water-oriented uses.
  - (b) Commercial uses must not result in a net loss of shoreline ecological functions.
  - (c) Commercial uses must not cause significant adverse impact to other shoreline uses, resources, and values such as navigation, recreation, and public access. Impacts to shoreline resources and values by commercial development or uses must be mitigated by public access and ecological restoration unless the applicant demonstrates such improvements are infeasible or inappropriate.
  - (d) Commercial uses must provide shoreline access, including:
    - (i) access for members and users of the development; and
    - (ii) public access consistent with SCC 14.26.360 Public Access.
  - (e) Eating and drinking facilities and lodging facilities must be oriented to provide user views to the waterfront.
- (4) The Administrative Official may condition commercial development on a case-by-case basis to achieve the goals of SCC 14.26.370 Vegetation Conservation while providing for landscaping, screening, or other measures to achieve compatibility with adjacent uses or onsite conditions.

#### **14.26.435 Dredging and Dredge Material Disposal**

- (1) **General Provisions.**
  - (a) Applicability.

- (i) This section covers “dredging” and disposal of material from dredging.
  - (ii) This section does not cover other removal of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements), which are regulated by the section governing the associated use or modification.
- (b) Dredging and dredge material disposal is allowed only when consistent with SCC Chapter 14.34 Flood Damage Prevention.
- (c) Dredging is permitted for the following activities:
- (i) Development of new or expanded wet moorages, harbors, ports or water-dependent industries of economic importance to the region when there are no feasible alternatives or other alternatives may have a greater ecological impact.
  - (ii) Development of essential public facilities when there are no feasible alternatives.
  - (iii) Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.
  - (iv) Removal of accumulated sediment for flood control or to maintain existing drainage features.
  - (v) Restoration or enhancement of shoreline ecological functions and processes benefiting water quality or fish and wildlife habitat or both.
  - (vi) Installation of necessary underground utilities when there are no feasible alternatives in accordance with SCC 14.26.495 Utilities.
  - (vii) Establishing, expanding, relocating, or reconfiguring navigation channels where necessary to ensure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins must be restricted to maintaining previously dredged or existing authorized location, depth, and width.
- (d) Dredging for the primary purpose of obtaining fill material is prohibited, except when:
- (i) the material is necessary for the restoration of ecological functions;
  - (ii) the fill is placed waterward of the OHWM; and



- (iii) the project is associated with a MTCA or CERCLA habitat restoration project, or any other significant habitat enhancement project approved through a shoreline conditional use permit. [WAC 173-26-231(3)(f)].
- (e) Dredging is prohibited in the following locations, except for maintenance dredging and for beneficial public purposes consistent with this SMP:
    - (i) In estuaries, natural wetlands, and marshes.
    - (ii) Along net positive drift sectors and where geohydraulic processes are active and accretion shoreforms would be damaged or irretrievably lost.
    - (iii) In shoreline areas and bottom soils that are prone to sloughing, refilling, and continual maintenance dredging.
    - (iv) In officially designated fish, shellfish, and wildlife spawning, nesting, harvesting, and concentration areas.
    - (v) Where water quality would be degraded below permitted state and federal standards.
    - (vi) Where current and tidal activity are significant, requiring excessive maintenance dredging.
  - (f) Dredge material disposal is prohibited in critical areas and their buffers except as an element of an approved shore restoration or beach enhancement program.
- (2) **Application Requirements.** In addition to other application materials, the following information is required for all dredging applications:
- (a) A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this SMP.
  - (b) A detailed description of the physical character, shoreline geomorphology, and biological resources in the area proposed to be dredged, including:
    - (i) A site plan map outlining the perimeter of the area proposed to be dredged. The map must also include the existing bathymetry and have data points at a minimum of two-foot depth increments.
    - (ii) A habitat survey conducted according to the most recent WDFW eelgrass/macroalgae survey guidelines, if applicable.
    - (iii) Information on stability of bedlands adjacent to proposed dredging and spoils disposal areas.

- (iv) Tidal fluctuation, current flows, direction, and degree of change.
- (c) A detailed description of the physical, chemical, and biological characteristics of the dredge materials to be removed, including:
  - (i) Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).
  - (ii) Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).
  - (iii) Biological analysis of material to be dredged.
- (d) A description of the dredging operations, including:
  - (i) Method of dredging, including facilities for settlement and transportation of dredge material.
  - (ii) Length of time required.
  - (iii) Quantity of dredge material.
  - (iv) Frequency and quantity of project maintenance dredging.
- (e) Detailed plans for upland dredge material disposal, including the specific land disposal site(s) and relevant information on the disposal site(s), including, but not limited to:
  - (i) Dredge material disposal area;
    - (A) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
    - (B) Biological characteristics;
    - (C) Size and capacity of disposal site;
    - (D) Means of transportation to the disposal site;
    - (E) Proposed dewatering and stabilization of dredged material;
    - (F) Methods of controlling erosion and sedimentation; and
    - (G) Future use of the site and conformance with land use policies and regulations.

- (ii) Plan for disposal or use of maintenance dredge material for at least a 50-year period, if applicable.
  - (f) An assessment of potential impacts to ecological functions or processes from the proposal, including hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.
  - (g) A mitigation plan to address identified impacts, if necessary.
- (3) Development Standards.
- (a) Dredging and dredge material disposal must not adversely impact existing and adjacent water and shoreline uses, properties, and access. [Based on existing SMP 7.04(2.)(B.)(7)]
  - (b) Conditions on dredging or dredge material disposal may be imposed to reduce proximity impacts, protect public safety, and ensure compatibility with other shoreline uses. Conditions may include any or all of the following:
    - (i) Limitations on the period of operations;
    - (ii) Limitations on the hours of operation;
    - (iii) Limitations on the type of machinery;
    - (iv) Requirements for the provision of landscaped buffer strips, or fencing, or both, to address noise and visual impacts at upland disposal or transfer sites.
  - (c) Ecological impacts. Dredging and dredge material disposal must be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided must be mitigated in a manner that ensures no net loss of shoreline ecological functions. [WAC 173-26-231(3)(f)].
  - (d) New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. [Based on WAC 173-26-231(3)(f)]
  - (e) Dredge material disposal landward of the OHWM must meet all of the following conditions:
    - (i) Containment dikes must be built and maintained to minimize escapement of spoils bearing discharge.
    - (ii) An adequate settling basin must be built and maintained so that the site's discharge water carries a minimum of suspended sediment.

- (iii) Normal drainage patterns must not be adversely affected by the disposal operation and site.
  - (iv) Removal of deposited spoil material for other uses must utilize a single point of ingress and egress and must maintain the containment dikes for the life of the project.
  - (v) Need and special consideration for landscaping and buffer areas are subject to County determination, review, and criteria found in SCC 14.16.830. [Based on existing SMP 7.04(2.) (B.) (9)]
- (f) Dredge material disposal in open waters is permitted in accordance with the Puget Sound Dredged Disposal Analysis evaluation procedures for managing in-water disposal of dredged material; when approved by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, Washington State Department of Natural Resources, and Washington State Department of Fish and Wildlife Hydraulic Project Approval; and when found to meet all of the following conditions:
- (i) land disposal is infeasible, less consistent with this SMP, or prohibited by law;
  - (ii) nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;
  - (iii) offshore habitat will be protected, restored, or enhanced;
  - (iv) adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
  - (v) shifting and dispersal of spoil will be minimal;
  - (vi) water quality will not be adversely affected.

#### **14.26.440 Fill, Excavation, and Grading**

- (1) General Provisions.
  - (a) Fill regulations in this section apply to fills in both aquatic and upland environments.
  - (b) Excavation and grading regulations in this section apply in upland environments only.

- (c) Fill, excavation, and grading is allowed only when consistent with SCC Chapter 14.34 Flood Damage Prevention.
  - (d) This section does not cover dredging or dredge material disposal (see SCC 14.26.435 Dredging and Dredge Material Disposal).
- (2) Application Requirements. In addition to the general requirements, applications for fill, excavation, or grading must include all of the following:
- (a) Proposed use of the fill/excavated area;
  - (b) Physical, chemical, and biological characteristics of the fill/excavated material;
  - (c) Source of fill material;
  - (d) Method of placement and compaction;
  - (e) Location of fill relative to natural or existing drainage patterns;
  - (f) Location of perimeter of fill, excavation, or graded area relative to the OHWM;
  - (g) Perimeter erosion control or stabilization means;
  - (h) Type of surfacing and runoff control devices.
  - (i) Disposal location of excavated materials.
- (3) Development Standards.
- (a) The fill, excavation, or grading work must be:
    - (i) the minimum necessary to accommodate approved shoreline uses and developments that are consistent with this SMP.
    - (ii) designed to blend physically and visually with existing topography to the maximum extent practicable.
    - (iii) located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes. [Based on WAC 173-26-231(3)(c)]
    - (iv) designed and located so shoreline stabilization will not be necessary to protect the affected materials.
    - (v) designed, constructed, and maintained to prevent, minimize, or control all material movement, erosion, and sedimentation from the affected area, in accordance with SCC Chapter 14.32.

- (A) A temporary erosion and sediment control (TESC) plan consistent with the Stormwater Design Manual must be provided for all proposed fill, excavation, and grading activities and be approved by the Administrative Official prior to commencement of activity.
  - (B) Disturbed areas must be immediately protected from erosion using appropriate best management practices per SCC Chapter 14.32.
- (b) Fill.
- (i) Commercially available rock, gravel, soil, or sand is preferred for fill material.
  - (ii) Solid waste, concrete, asphalt, brick rubble, contaminated soils, construction and demolition waste, or other materials that may degrade surface and groundwater quality or the shoreline area are prohibited.
  - (iii) Structures supported by pilings are preferred over fills. [Based on existing SMP 7.06(2.)(B.)(6)]
  - (iv) Fill waterward of the OHWM is allowed only where necessary to support:
    - (A) New and existing water-dependent uses, including aquaculture;
    - (B) Public access;
    - (C) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
    - (D) Expansion or alteration of transportation facilities currently located on the shoreline where alternatives to fill are infeasible;
    - (E) Ecological restoration or enhancement, including, but not limited to, beach nourishment, habitat creation, culvert upgrades to improve fish and flow passage, or bank restoration when consistent with an approved restoration plan; or
    - (F) Maintenance of legally established development. [Based on WAC 173-26-231(3)(c)], provided the proposal also complies with SMP Part VI, Legally Established Pre-existing Uses and Structures.