

ATTACHMENT A

RECORDED MOTION REGARDING AN AMENDMENT TO SKAGIT COUNTY CODE SECTION 14.28, SKAGIT COUNTY SHORELINE MANAGEMENT MASTER PROGRAM, ADDRESSING HYDROPOWER

WHEREAS, the Skagit County Planning Commission has considered and deliberated on the proposed County initiated, non-project, legislative action amending the Skagit County Shoreline Management Master Program, Section 14.28 of the Skagit County Code. Said amendments address hydropower and include the following: 1) Change in shoreline area designations associated with shorelines falling within federal ownership in Chapter 2; and 2) Changes within the Conservancy Shoreline Area Designation language of Chapter 6; and 3) Hydropower definitions to be included in Chapter 3; and 4) Inclusion of Hydropower within the allowable use matrix of Chapter 7; and 5) Hydropower related revisions to Chapter 7.06 Landfills; and 6) Hydropower related revisions to Chapter 7.18 Utilities; and 7) the addition of Section 7.19 Hydropower.

WHEREAS, the Planning Commission held a Public Hearing on March 13, 1995, wherein staff findings and recommendations were reviewed, incorporated herein as Attachment A, and public testimony was received. Written correspondence was received until March 17, 1995. The Planning Commission deliberated over and amended the draft document in open session on April 17, 1995 and hereby recommends approval of the amendment, based on the following findings:

1. Hydropower is the generation of electricity from the energy of flowing water by means of diversion structures, flowlines, powerhouses, and associated facilities.
2. The tributaries of the upper Skagit, Cascade and Suiattle Rivers have been subject to twenty three small hydro proposals over the preceding ten years. A number of these proposals are nearing completion of review pursuant to final licensing under the authority of the Federal Energy Regulatory Commission. Coastal Zone Management Act Consistency is a requirement of final authorization. Demonstrated compliance with the Shoreline Management Act and its implementing regulations, including the permit requirements, the policies and the regulations addressed through the Skagit County Shoreline Management Master Program represents a component of this consistency requirement. Nine project proponents are currently asserting consistency with the Washington Coastal Zone Management Program. Among these, three have only to successfully address the shoreline permit requirement to achieve certification.
3. The Skagit County Shoreline Management Master Program designates all federally owned shorelines as Natural. Master Program, Chapter 2 Applicability, 2.03 Applicability to Federal Agencies, 6., reads:

All shorelines within federally owned lands that are subject to the provisions of the Shoreline Management Act are hereby designated Natural Shoreline Areas and any uses proposed for such shorelines are subject to the applicable policies and regulations of this Master Program.

4. Hydroelectric generating facilities are addressed under Master Program Chapter 7.18 Utilities. Section 7.18, 2. Regulations, A. Shoreline Area, (5) Natural, a., reads:

Utility development is not permitted.

5. Several of the project sites are located on federally owned lands within the Mount Baker National Forest and managed by the United States Forest Service. The blanket designation of federally owned streams, with a mean annual flow of twenty cubic feet per second or more, as Natural Shoreline Areas and the associated prohibition of utility development within these areas has presented Skagit County with a number of compelling issues including: 1) Jurisdictional issues associated with potential federal preemption and the applicability of the provisions of the Master Program to federal lands; 2) Designation of the Natural Shoreline Areas which may not reflect the existing site conditions in accordance with designation criteria of the Master Program; 3) and Inconsistencies between multiple use management policies promulgated by federal mandate under the Mount Baker Forest Management Plan and the management policies for Natural Shoreline Areas set forth in the Master Program.
6. The public hearing has been advertised in accordance with the requirements and procedures set forth in WAC 173-19-060 and RCW 36.70, the Planning Enabling Act.
7. The proposed amendment has been reviewed in accordance with the State Environmental Policy Act guidelines. Skagit County Department of Planning and Community Development, acting as Lead Agency, issued a Determination of Nonsignificance on October 12, 1994.
8. In February 1994 Skagit County prepared a position paper or report analyzing and assessing the problems associated with the application of the Skagit County Shoreline Management Master Program to small hydro proposals. This report was prepared in coordination with the Skagit County Prosecutors' Office and was written by John Moffat, Chief Civil Deputy for Skagit County. The report titled Jurisdictional Overview - The Applicability of the Skagit County Shoreline Management Master Program to Hydropower Projects was predicated upon meetings held with the Department of Ecology. Analysis centered upon the levels of jurisdiction, review and authority as they relate to the FERC review process and the CZMA consistency requirement. The position paper provided the jurisdictional understanding under which the Draft Amendment was prepared, reviewed and revised by the Citizens Advisory Committee.
9. A Citizen's Advisory Committee (CAC) was convened in March of 1994 to assist in drafting the proposed amendment. The CAC met bi-weekly from March through June of 1994 and sponsored an open house on May 18, 1994 to provide further opportunities for citizen participation. The CAC voted to endorse the draft amendment on June 29, 1994.
10. The proposed Master Program amendments address two broad areas: 1. The need to remove the blanket prohibition of hydropower development on shorelines falling under

- federal ownership. 2. The need to increase the applicability of the Master Program to hydropower proposals by amending existing language and drafting additional language specific to such developments.
11. The prohibition or federal lands issue was resolved by redesignating shorelines within federal ownership from natural to conservancy. This designation change also increases consistency between Skagit County plans and the multiple use policies utilized by the Forest Service in managing the Mount Baker National Forest.
 12. Although some sites on Federal lands are not suitable for hydropower facilities, others are; a shoreline designation allowing evaluation on a site specific basis would allow development on those sites where it can be accommodated in the context of management for multiple use. The Conservancy designation, allowing hydropower development as a conditional use, allows for site evaluation on a case-by-case basis, while giving the County the authority to withhold permitting when a site is found to be unsuitable. The Natural designation is not appropriate for those lands; they are more appropriately described by the Conservancy designation. Thus, changing the shoreline designation on Federal lands from Natural to Conservancy would more accurately reflect the use of those lands and would allow utility development as a shoreline conditional use with little if any risk to natural resources.
 13. Local governments are required in the Shoreline Management Act (SMA) to include provisions for authorizing uses and development by conditional use permits. The purpose of a conditional use permit is to allow greater flexibility in the application of the use regulations of the Master Program. Consideration must be given under the conditional use permit review process to the cumulative impact over time of granting additional permits for like actions in the area. If comparable development proposals are likely and were permitted by the conditional use permit in the area where similar circumstances exist, the total of the developments must also be consistent with the Master Program and must not produce substantial adverse effects to the shoreline environment.
 14. Central to the concept of hydropower development is the need to develop a network of facilities that contribute to the overall power needs of a region. Because of the limited output potential, a number of sites may need to be developed to be economically feasible. Based on this assumption the FERC has required that cumulative environmental analysis be undertaken in the Skagit and Nooksack watersheds. The conditional use permit is the mechanism that state and local governments may utilize under the Shoreline Management Act and the Skagit County Shoreline Management Master Program to address cumulative impacts. In addition, requiring a shoreline conditional use permit for hydropower facilities within a conservancy shoreline area will be consistent with the other sections of the Master Program which permit instream structures as conditional uses in a conservancy area.
 15. The amendments propose the establishment of a separate use category, Section 7.19 Hydropower, which sets forth general policies and regulations and specific regulations for each of the six shoreline area designations.. Currently the Master Program permits

hydropower developments generally under Section 7.18 Utilities. With three shoreline permits pending and the potential for several more, it is imperative that a section dealing specifically with hydropower be added to the Master Program.

16. The addition of Section 7.19 Hydropower, poses the need for several additional modifications to the Master Program, including the inclusion of "Hydropower" within the allowable use matrix of Chapter 7, modifications relating to landfills associated with hydropower facilities in Chapter 7.06 Landfills and the deletion of hydropower reference in Master Program, Section 7.18 Utilities.
17. The proposed amendments include the addition and modification of definitions applicable to "hydropower" in Master Program, Chapter 3 Definitions. The definitions of FERC, flowline, hydropower, multiple use, penstock, powerhouse, practical, riparian corridor, and run-of-the-river have been added and modifications have been made to the definitions of impoundment, shoreline dependent use, and utilities.
18. The proposed amendments develop a standardized approach to assess the impacts of hydropower facilities and to guide the development of appropriate mitigation measures, by outlining specific policies for impacts and mitigation.
19. As required by RCW 36.70A.120, all implementing regulations shall be consistent with the County-Wide Regional Comprehensive Plan Policies adopted by Skagit County in July, 1992 pursuant to the Growth Management Act. Amendments to the implementing regulations shall also conform to these policies. Applicable policies are included but not limited to 5. Economic Development and 8. Natural Resources Industries. These policies are enumerated specifically under 5.1, 5.4, 5.6, 5.8, 5.12, 5.13, 5.14 and 8.8 of the County Wide Regional Comprehensive Plan Policies and are included under finding #19 of the attached staff report.

WHEREAS, the Skagit County Shoreline Management Master Program is amended as follows:

[NOTE: Language that is shaded is proposed for addition. Language that is struck-through is proposed for deletion.]

[Section 2.03, Applicability to Federal Agencies. P. 2-2]

6. All shorelines within federally owned lands that are subject to the provisions of the Shoreline Management Act are hereby designated as **Natural Conservancy Shoreline Areas** and any uses proposed for such shorelines are subject to the applicable policies and regulations of this Master Program. See Nos. 3 and 4 above.

[Section 2.08, Applicability to and Conflicts with Other Local, ~~and~~ State ~~and~~ Federal Policies and Regulations]

6. On shorelines of federally owned lands, where terms and/or conditions of this Master Program are found to be inconsistent with, or otherwise in conflict with, the terms and/or

conditions of relevant federal comprehensive land use plans or regulations and such relevant federal comprehensive land use plans or regulations meet or exceed the policies and environmental goals of the Shoreline Management Act, such federal terms and/or conditions shall prevail.

[Section 3.03, Definitions]

B., 5. Bedload - The part of the total stream load that is moved along, on, near, or immediately above the streambed, such as the larger or heavier particles (boulders, pebbles, gravel) transported by traction or saltation along the bottom; the part of the load that is not continuously in suspension or solution.

C., 7. Conservancy Shoreline Area means (1) a shoreline area containing natural resources which can be used/managed on a multiple use basis without extensive alteration of topography or banks; including but not limited to forest, agricultural and mineral lands, outdoor recreation sites, fish and wildlife habitat, watersheds for public supplies, and areas of outstanding scenic quality; and/or (2) a shoreline area containing hazardous natural conditions or sensitive natural or cultural features which require more than normal restrictions on development and ~~use of such areas~~; including but not limited to: eroding shores, geologically unstable areas, ~~steep slopes~~, floodways, natural accretion beaches, and valuable natural wetlands or historic sites.

F., 3. FERC - The Federal Energy Regulatory Commission, 825 N. Capitol Street, NE, Washington, DC 20426; telephone (202) 219-2837. See the Federal Power Act, U.S.C. ** 791a through 825u for a statement of FERC's authority.

F., 13. Flowline - In a hydropower facility, the water conveyance system from the intake to the powerhouse. A flowline can be completely enclosed as in a pipeline or may be open as in a canal or flume.

H., 7. Hydropower - The generation of electricity from the energy of flowing water by means of diversion structures, flowlines, powerhouses, and associated facilities.

I., 1. Impoundment, for the purposes of this program, is the body of water retained by a dam structure for the chief purposes of flood control, livestock watering, irrigation supplies, recreation, fish rearing, hydropower, or property enhancement.

M., 8. Multiple use - Accommodation by a site or area of more than one sustainable, beneficial use. Such uses may include, but are not limited to, natural resource extraction, hydropower development, recreation, habitat support and support for other values associated with natural, cultural and visual resource protection and scientific and educational use.

P., 2. Penstock - In a hydropower facility, the pressurized section of flowline nearest the powerhouse.

P., 11. Powerhouse - In a hydropower facility, the structure used to house the turbine, generator and related equipment. May be either above or below ground.

P., 13. Practical - Capable of being accomplished in the least environmentally detrimental manner using readily available, proven technology and engineering practices in a cost effective manner.

R., 6. Riparian corridor - A stream or river and the adjacent riparian zones. A riparian zone is an area that is influenced by and functionally integrated with a watercourse and that shares characteristics of both upland and aquatic ecosystems.

R., 8. Run-of-the-river - That mode of hydropower facility operation where only naturally available river flows are used for generating power and little or no storage is used.

S., 8. Shoreline dependent use - Any reasonable use that requires a shoreline or water surface location because of its functional nature, including but not limited to navigation, ports, marinas, docks, piers, floats, boat fueling stations, shipyards, seafood harvest, aquaculture, recreational boating and swimming, hydropower, and research and observation of natural shoreline phenomena.

U., 3. Utilities include but are not necessarily limited to facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products. Also included are fire fighting facilities and administrative structures associated with the operation of the utilities. For the purposes of this Shoreline Management Master Program only, hydropower facilities (including impoundment and diversion structures, flowlines, powerhouses, tailraces, electric transmission lines necessary to connect a hydropower project to a transmission system, and other facilities associated with hydropower generation) are excluded from the definition of “utilities.”

[Section 6.04, Shoreline Area Designations. p. 6-8]

4. Conservancy Shoreline Area

- a. Definition: The Conservancy Shoreline Area is a shoreline area containing natural resources which can be used/managed on a multiple use basis without extensive alteration of topography or banks, including but not limited to forest, agricultural and mineral lands, outdoor recreation sites, fish and wildlife habitat, watersheds for public supplies, and areas of outstanding scenic quality; and/or a shoreline area containing hazardous natural conditions or sensitive natural or cultural features which requires more than normal restrictions on development and ~~use of such areas~~; including but not limited to: eroding shores, geologically unstable areas, floodways, natural accretion beaches, and valuable natural wetlands or historic sites.
- b. Objective: The Conservancy Shoreline Area is intended to ensure long term wise use, enhancement, and protection of natural resources and processes and valuable historic and cultural areas. Activities in this shoreline area should be conducted in

a manner to ensure recreational benefits to the public and/or achieve sustained resource utilization without significant adverse impacts.

c. Designation Criteria: An Area to be designated as a Conservancy Shoreline Area should possess one or more of the following criteria:

(1) Areas which may provide for present and future recreation needs for the county and region and where inappropriate modification or use would adversely affect such qualities.

(2) Areas which contain resources manageable on a sustained yield, ~~multi purpose~~ multiple use basis and are more valuable to the region on that basis than through any form of more intensive or single purpose development.

(3) Areas possessing the following biophysical limitations to development, modification or unrestricted use:

- i. Slide hazard areas.
- ii. Floodways, ~~or~~ marine tidal surge or storm area.
- iii. Rivers and streams subject to frequent changes in alignment or direction.
- iv. Unstable, erosive streambanks, bluffs, and other landforms.
- v. Recognized accretion shoreforms.

(4) Areas of critical nature and cultural features requiring a low overall density of people, structures and livestock with minimal changes in topography. Such areas may include forests, pastures, outdoor recreation areas, fish and wildlife habitats, historical and archaeological sites, and shorelines prone to limitation listed above.

(5) Areas free of extensive development and whose existing character and features provide optimal, long term use and enjoyment by the public.

(6) Areas zoned to permit compatible uses under applicable Skagit County ordinances.

d. Management Policies:

(1) Preference should be given to those uses which do not permanently deplete or adversely impact the physical and biological resources and the existing character of the Conservancy Shoreline Area.

(2) Commercial and industrial uses other than commercial forestry, ~~and~~ extraction of renewable sand, gravel and mineral resources, ~~and~~ hydropower should be prohibited.

(3) Development which may cause the following should be prohibited:

- i. Conditions hazardous to public health and safety which cannot be alleviated through appropriate health and safety measures.
- ii. Landslides, erosion, and sedimentation problems which cannot be alleviated through implementation of appropriate prevention or mitigation plans.
- iii. Unmitigatable adverse effects upon wildlife, fisheries and other aquatic life.
- iv. Significant interference with natural physical processes and shoreforms.

(4) Construction of structural shoreline stabilization and flood control works should be minimized. New developments should be designed to preclude the need for such works and should be compatible with characteristics and limitations of the shoreline area.

~~(5) — Recreational access allowing for diffuse, low to medium intensity activities should be encouraged.~~

6. Aquatic Shoreline Area

d.1. Aquatic Shoreline Areas should allow for compatible, appropriate uses that do not conflict with natural ~~and cultural~~ processes, historic and archaeological resources, and features of the water body and associated wetlands. Such uses should be shoreline and water dependent.

d.10. Material from the bedlands and bottoms of the Aquatic Shoreline Area should not be used for landfill or to backfill shore defense works except that hydropower facility construction spoils and bedload materials trapped by hydropower impoundment structures that cannot be passed downstream may be used as fill at hydropower facility impoundment sites.

[Chapter 7, Policies and Regulations. p. 7-2]

SKAGIT COUNTY MASTER PROGRAM
ALLOWABLE USES MATRIX

Uses	Shoreline Areas					
	U	RR	R	C	N	A
Agriculture	Y	Y	Y	Y*	Y*	N
Aquaculture	Y	Y	Y	C/Y*	Y*	Y*
Commercial Development	Y	Y	Y	Y*	N	Y*
Dredging	Y	Y	Y	C	N	Y*
Forest Practices	Y	Y	Y	Y	Y*	Y*
Hydropower	Y	Y	Y	C	N	Y*
Landfills	Y	C	Y	C	N*	C
Marinas/Launch Ramps	Y	C/Y	Y	N/Y	N/Y	Y*
Mining	C	C	C	C	N	Y*
Outdoor Advertising	Y	Y	Y	Y	Y*	Y*
Piers and Docks	Y*	C/Y	C/Y	Y*	Y*	Y*
Ports and Industry	Y	N/C	C	N/C	N	Y*
Recreation	Y	Y	Y	Y*	Y*	Y*
Residential Development	Y	Y	Y	Y*	N	N
Scientific/Educational Research	C	C	C	C	C*	C*
Shore Defense Works	Y*	Y*	Y*	C	N*	C
Shoreline Stabilization and Flood Protection	Y*	Y*	Y*	Y*	N*	C*
Transportation Facilities	Y/C	Y/C	Y/C	Y*	N	Y*
Utilities	Y	Y*	Y*	Y*	N	Y*

KEY: Y (yes) Use permitted in the Shoreline Area subject to the policies and regulations.
 N (no) Use not permitted in the Shoreline Area.
 C Use permitted as a Conditional Use in the Shoreline Area.
 * See Use Regulations for special circumstances.

[Section 7.06, Landfills. p. 7-32]

(4) Conservancy

- a. Landfills utilizing vegetative stabilization and natural erosion control techniques are permitted as a conditional use subject to the General Regulations and the policies and regulations of the proposed use. ~~All other landfills are prohibited.~~
- b. Landfills to create new uplands are not permitted except for landfill associated with hydropower projects.
- c. Except as provided in subsections 4.a and 4.b, all other landfills are prohibited.

[Section 7.18, Utilities. p. 7-124]

(4) Conservancy

- a. Utility development is permitted subject to the General and Tabular Regulations EXCEPT for the below.
- b. Buried or submarine transmission cable and pipeline crossings of the Conservancy Shoreline Area are permitted as a conditional use.
- c. Additions to existing aerial power transmission and local distribution crossings are permitted as a conditional use. New aerial power transmission crossings are allowed as a conditional use only if buried or submarine crossing methods can be shown to be infeasible.
- d. Additions to existing aerial power transmission and local distribution crossings are permitted as a conditional use. New aerial and surface pipeline crossings are not permitted.
- e. All parallel utility lines are permitted subject to the General and Tabular Regulations.
- ~~f. Hydroelectric generating facilities, including dams, are permitted as a conditional use.~~
- ~~g.~~ f. Water treatment plants, sewage treatment plants, and sewage pump stations are prohibited in the Conservancy Shoreline Area.

7.19 HYDROPOWER FACILITIES

1. POLICIES

A. General

(1) Hydropower development proposals should be consistent and coordinated with all federal, state, and/or local planning functions and efforts, including comprehensive plans.

(2) When applicable, Skagit County shall utilize existing environmental and technical information prepared pursuant to the requirements of FERC to satisfy the requirements of WAC 173-14-110 and the requirements of this Master Program. Additional information may be required at the discretion of the Shoreline Administrator, the Hearing Examiner and/or the Board of County Commissioners from FERC and/or the applicant.

(3) Flowlines, electric transmission lines necessary to connect a hydropower project with a transmission system, and communications lines should utilize existing rights-of-way and corridors and should avoid duplication and construction of new or parallel corridors. Coordination with appropriate government agencies and private interests in developing or utilizing joint or common rights-of-way and corridors should, to the extent practical, occur.

(4) The expansion of legally existing hydropower facilities or the integration of hydropower facilities within existing flood control, irrigation or water supply facilities is encouraged where increased adverse environmental impacts will not result or can be mitigated.

(5) While encouraged, hydropower development should not significantly damage, diminish, or adversely affect:

- a. Prime agricultural land.
- b. Natural resources such as sand and gravel deposits, timber, or recreational beaches.
- c. Fish, shellfish, and wildlife habitat and migratory routes.
- d. Geohydraulic processes.
- e. Water quality.
- f. Public access to publicly owned shorelines and water bodies.

(6) The probable, significant, adverse environmental shoreline impacts of a project should be mitigated, with preference for onsite mitigation where practical. Where onsite mitigation is not practical, pursuing offsite mitigation is encouraged.

B. Location and design features

(1) Hydropower facility proposals should avoid or minimize land and water use conflicts to properties in shoreline jurisdiction and to properties adjacent to, upstream and downstream of the proposed site; provided, that the installation of a hydropower project *per se* shall not be considered a “conflict” with properties in the shoreline jurisdiction or with properties adjacent to, upstream and downstream of the proposed site.

(2) Hydropower facility proposals should minimize adverse impacts to the shoreline and the surrounding area in the design, location, security and construction of access roads, impoundment structures and reservoirs, flowlines and powerhouses.

(3) In determining the appropriateness of a stream or river for hydropower development, the protected area designations of the Northwest Power Planning Council or equivalent state-adopted site-ranking study should be considered.

(4) The following hydropower facility components are shoreline dependent and should be allowed at appropriate locations within shoreline jurisdiction:

- a. Water intakes.

b. Dams, weirs, and other impoundment and diversion structures (including sediment transport and fisheries enhancement features) and associated flowline segments.

c. Water outfalls and tailraces.

(5) The following components of hydropower facilities are shoreline related and may be completely or partially located at appropriate locations within shoreline jurisdiction:

a. Flowlines (other than those segments included in B., (4.) b. above).

b. Powerhouses and functionally related switchyards.

c. Access roads relating to shoreline dependent or shoreline related facilities.

(6) All non-shoreline dependent or non-shoreline related components of hydropower facilities, such as staging and storage areas, electric transmission lines (except for necessary water and wetland crossings, and switchyard-related lines), communications lines, and administrative structures, should be located outside of shoreline jurisdiction to the extent practical. Where shoreline jurisdiction includes the entire 100-year floodplain, non-shoreline dependent and non-shoreline related facilities should be located, to the extent practical, at least 200 feet landward of the OHWM.

(7) Water and wetland crossings should be minimized. Where crossings are necessary or appropriate, minimizing impacts by grouping crossings with one another and with existing line crossings or road crossings (bridges) is encouraged. Crossings should be located under bridges or underground to the extent practical.

(8) Hydropower development should provide for the protection of natural, historic and cultural resources, including but not limited to the following:

a. Natural wetlands, tidelands, lagoons, estuaries and waterfalls.

b. Fish, wildlife, and water resources, including wildlife concentration and nesting areas and migratory corridors.

c. Natural scenic vistas and designated parks, scenic, natural, historic, archeological, and recreation areas.

d. Sensitive shoreline areas such as, but not necessarily limited to, those with steep slopes or soils subject to erosion or sliding, and erosion and accretion shoreforms.

e. Ethnographic artifacts and sites.

(9) All components of hydropower facilities should be located, designed and maintained to avoid or, if necessary, withstand 100-year frequency flooding and other hazards inherent to or predictable for a given facility's site (including but not limited to stormtides and surges, glacial outbursts, erosion, accretion, subsidence, landslides, earthquakes and other hazards associated with geohydraulic processes, unstable streambanks, bluffs, and other erosive landforms) without becoming hazards and without the placement of massive structural defense works.

(10) All electric and communication lines (except stream or water crossings) should be underground where practical. Stream or water crossings should be beneath the streambed where practical.

(11) Parking areas and access roads, unless stated elsewhere in this program, should be located and designed to minimize impact in the riparian corridor.

(12) Flowlines should be placed underground where practical.

(13) **Design features**

a. Diversion structures should be designed to maximize downstream transport of bed load materials at times of high flow.

b. Hydropower facilities should be designed to minimize removal of riparian vegetation and the necessity for massive shore defense structures.

c. Where necessary or appropriate, hydropower facilities may exceed thirty-five feet above average grade level because overriding considerations of the public interest will be served by allowing such facilities to exceed such height limitations.

(14) **Installation and maintenance**

a. During installation of hydropower facilities on shorelines, appropriate, practical measures should be taken to prevent and/or control runoff and erosion from the affected area.

b. After installation, the affected shoreline area should be: regraded to the natural terrain (if necessary); revegetated; and maintained until such vegetation is established.

c. Handling and application practices for fertilizers and pesticides should adhere to the guidelines and regulations of applicable regulatory agencies.

C. Public access and recreational considerations

(1) To the extent of the probable, significant, adverse impacts of the proposed hydropower facility on public access, hydropower facilities should provide public access, provided that public access improvements do not create additional adverse environmental impacts to and along the affected shoreline, nor create a safety hazard to the public or to the operation of the hydropower project.

(2) The nature, time, and area open to public access should be regulated as necessary for the purposes of habitat protection and/or public safety.

D. Impacts and mitigation

(1) Hydropower development proposals should include practical measures to avoid, reduce, or mitigate probable, significant, adverse impacts to affected natural systems, including the shoreline and aquatic environment, fisheries and wildlife resources, and sensitive areas; and to adjacent and nearby land and water users. No net loss in function or value of acreage should occur as a result of hydropower facility development.

(2) Mitigation measures should be properly planned and monitored to ensure their effectiveness.

(3) In considering appropriate mitigation measures, the County should consider, and adopt where appropriate, mitigation measures imposed by, or likely to be imposed by, other federal, state, and local agencies with jurisdiction (including but not limited to FERC and the Washington State Department of Ecology).

2. REGULATIONS

A. Shoreline area

(1) **Urban** - Hydropower facilities are permitted.

(2) **Rural residential** - Hydropower facilities are permitted.

(3) **Rural** - Hydropower facilities are permitted.

(4) **Conservancy** - Hydropower facilities are permitted as a conditional use. New aerial power and communications crossings associated with hydropower facilities may be allowed as a conditional use.

(5) **Natural** - Hydropower facilities are not permitted.

(6) **Aquatic** - Hydropower facilities are permitted if permitted in the adjacent upland Shoreline Area, subject to the upland Shoreline Area regulations and applicable State requirements.

B. General

(1) **Permit applications** - All permit applications shall contain, at a minimum, the following:

a. Maps and plans showing the proposed location and design of powerhouse, flowlines, accessory structures, electric transmission lines, utility corridors and access/service roads. The County may require that said locations be marked on the ground, and an on-site open public meeting may be required to facilitate public and other review and comments.

b. Maps and plans showing any proposed provision for public access to and along the affected shoreline and proposed recreational features at the site, where applicable.

c. A plan which describes the extent and location of vegetation which is proposed to be removed to accommodate the proposed facility, and a plan for any site revegetation required by this SMMP.

d. A hydraulic analysis prepared by a licensed professional engineer which sufficiently describes the project's effects on streamway hydraulics, including potential increases in base flood elevation, changes in stream velocity and the potential for redirection of the normal flow of the affected stream.

e. Biological resource inventory and analysis which sufficiently describe the project's effects on fisheries and wildlife resources, prepared by a professional biologist.

f. Maps and plans showing the proposed provisions for temporary erosion and sedimentation control, protection of water quality, and fishery and wildlife resources during construction and operation.

g. Long-term management plans which describe, in sufficient detail, provisions for protection of instream resources during construction and operation. The plan shall include means for monitoring its success.

h. Any additional maps and plans required to fully document proposed mitigation.

(2) **Existing use areas** - To the extent practical, electric and communications lines, flowlines, and access roads associated with hydropower facilities shall (i) utilize existing or joint-use rights-of-way, corridors, and/or bridge crossings and (ii) avoid duplication and construction of new and parallel corridors in shoreline areas.

(3) **Floodplains, floodways**

a. **Floodplain** - Hydropower development that would measurably and adversely affect flood levels and capacities outside of the impoundment area is not permitted.

b. Floodway - Hydropower development that would measurably and adversely affect floodway characteristics and capacities outside of the impoundment area is not permitted.

(4) **Screening and buffer areas** - Non-shoreline dependent components of hydropower facilities allowed on shorelines shall provide for screening of facilities from water bodies if appropriate to mitigate adverse visual impacts. The need and/or type of screening shall be determined on a case by case basis. Any such screening or buffer areas shall be planted at the earliest possible planting season following utility construction or, in the case of existing vegetation, such vegetation shall be effectively maintained as screening.

(5) **Electric and communication lines**

a. For those lines installed underground and/or underwater in shoreline areas, the following standards shall apply:

i. Underwater lines shall enter and emerge inland from fresh and saltwater banks, dikes, beaches, or shorelands.

ii. Banks, dikes, beaches, or shorelands where such facilities enter or leave water bodies shall be restored, to the extent practical, to their pre-construction condition and maintained in a safe condition. Restoration shall include appropriate revegetation.

iii. Underwater electric transmission lines shall be completely buried under the river bed in all river or stream crossings EXCEPT where such lines may be affixed to a bridge structure.

b. For those lines installed on the surface, the following standards shall apply:

i. Surface lines shall minimize crossings of shoreline areas.

ii. Structural abutments, where necessary, shall be located landward of the OHWM.

(6) **Flowlines** - For those flowlines in or across shoreline areas, the following standards shall apply:

a. Underwater flowlines shall, to the extent practical, enter and emerge inland from fresh and saltwater banks, dikes, beaches, or shorelands.

- b. Banks, dikes, beaches, or shorelands where underground facilities enter or leave water bodies shall, to the extent practical, be returned to their pre-construction condition and revegetated, and shall be maintained in a safe condition.
- c. Underground or underwater flowlines shall, to the extent practical, be completely buried under the river bed in all river or stream crossings EXCEPT for appropriate intakes and outfalls.
- d. Surface flowlines shall minimize crossings of shoreline areas and disruption of the riparian corridor.
- e. Structural abutments, where necessary, shall, to the extent practical, be located landward of the OHWM.
- f. Permitted wetland crossings shall utilize, to the extent practical, pier or open pile techniques only.

(7) Site development

- a. Erosion and drainage control.
 - i. Temporary and emergency erosion and drainage control measures, such as, but not limited to, silt curtains, berms and stormwater catch basins shall be utilized during construction to prevent shoreline erosion and siltation of the water body.
 - ii. Temporary and emergency erosion and drainage control devices may be removed following construction completion, provided that an approved erosion control and maintenance plan has been implemented.
 - iii. Materials adequate to immediately correct emergency erosion situations shall be maintained on site.
- b. Clearing/excavation management
 - i. All debris, overburden and other waste materials from construction shall be disposed of in such a manner as to prevent their entry into a water body by erosion, from drainage, high water or other vectoring mechanisms.
 - ii. All disposal sites shall be identified by the developer or contractor prior to construction and shall be approved by appropriate local authorities.
- c. Staging and storage areas
 - i. All fuel and heavy construction equipment storage, maintenance and repair areas shall be located greater than 200 feet from OHWM.

- ii. Construction material staging areas shall be located greater than 200 feet from the ordinary high water mark.
- iii. Service roads shall be of a size which is minimally necessary to safely accomplish maintenance and repair of the facility, and shall be designed and located to minimize vegetation removal and erosion and sedimentation impacts.
- iv. Hazardous and/or toxic materials storage shall be prohibited within shoreline jurisdiction. Such materials shall be prevented from entering the water through accidental spillage at staging or storage areas located outside immediate shoreline jurisdiction.

(8) Structural development

a. Flowlines/powerhouses

- i. These shall be designed, located and constructed in such a manner as to avoid extensive topographical alteration and to minimize or avoid impacts to the natural features of the shoreline.
- ii. These structures shall be designed and located to minimize removal of riparian vegetation and to return flow to the stream in as short a distance as practical.
- iii. Surface flowlines shall be designed, located and constructed so as to present as low a profile as practical.
- iv. All intake and diversion structures shall be designed to maximize the natural transportation of bedload materials to the greatest extent possible.
- v. Where site conditions permit, powerhouses shall be located a minimum of 50 feet from the OHWM, provided that this does not apply to tailraces.

b. Improvements: On run-of-the-river developments, impoundments shall be located in such a manner as to minimize impacts to environmental and natural scenic value.

c. Electric transmission lines: If aerial transmission lines are proposed, they shall be located so as to minimize, to the extent practical, obstruction or degradation of scenic views and hazards to wildlife resources.

d. Mitigation: Mitigation shall be required for probable, significant, adverse impacts. The mitigation required shall be commensurate with the value and type of resources or system lost.

- i. Where mitigation for loss of natural systems and resources is required, a mitigation plan shall be prepared by the proponent, detailing on-site and/or off-site in-kind mitigation activities and the objectives thereof.
- ii. If adequate mitigation is determined to be impossible, then the application may be denied.
- iii. Mitigation activities shall be monitored to determine the effectiveness of the mitigation plan.
- iv. If mitigation is found to be ineffective, corrective action which satisfies the mitigation objectives will be required of the proponent.

(9) **Revegetation** shall comprise planting with regionally native or compatible non-native vegetation appropriate to the site, and maintenance of that vegetation during the period required for establishment. Such planting shall be as necessary to stabilize the site and, at maturity, to replace any vegetation removed. Planting design shall be site specific and shall take into account the nature of the stream and the runoff characteristics of the surrounding land. Plant species shall be chosen to replace any functional values compromised by removal of existing vegetation. Grasses, legumes, and/or other herbaceous species shall be used to provide complete vegetative cover within one growing season, and shall be supplemented by erosion control mulching where necessary. Ground cover plants shall be spaced to provide complete cover within three years. Shrubs shall be spaced so as to replace existing vegetation in height and density within five years. Trees shall be adequate in number and spacing to replace those removed. Where mature trees have been removed, trees shall be adequate in size to support habitat and screening values similar to those lost during construction within ten years. Planting practices shall comply with the policies of this section.

Motion for APPROVAL made by Dave Patterson
Motion for SECOND by Bill Thrumer

Vote: APPROVAL (8-0)

David Hughes, Chairman

David Hough, Secretary

ATTACHMENT A

**SKAGIT COUNTY DEPARTMENT OF PLANNING
AND COMMUNITY DEVELOPMENT
STAFF REPORT**

REVIEWING AUTHORITY: Skagit County Planning Commission

PUBLIC HEARING DATE: March 13, 1995

PROJECT DESCRIPTION: County initiated, non-project, legislative action amending the Skagit County Shoreline Management Master Program (Chapter 14.28 of the Skagit County Code.) Said amendments address Hydropower and include the following:

1. Change in the shoreline area designations, outlined in Master Program, Chapter 2, of Federally owned lands within Skagit County from Natural to Conservancy.
2. Addition of applicable definitions to be included in Master Program Chapter 3.
3. Changes within the Conservancy Shoreline Area Designation language of Master Program Chapter 6.
4. Inclusion of Hydropower within the allowable use matrix of Chapter 7.
5. Hydropower related revisions to Chapter 7.06 Landfills.
6. Hydropower related revisions to Chapter 7.18 Utilities.
7. Addition of Master Program, Section 7.19 Hydropower.

LOCATION OF PROPOSAL: County-wide / Skagit County, Washington. Area of jurisdiction under the Shoreline Management Act and the Skagit County Shoreline Management Master Program including all shorelines of the, state and shorelines of statewide significance including reservoirs and wetlands together with the lands underlying them in accordance with RCW 90.58.030.

LEAD AGENCY: Skagit County Department of Planning and Community Development.

DEFINITION: Hydropower is the generation of electricity from the energy of flowing water by means of diversion structures, flowlines, powerhouses, and associated facilities.

HISTORY: The tributaries of the upper Skagit, Cascade and Suiattle Rivers have been subject to twenty-three small hydro proposals over the preceding ten years. A number of these proposals are nearing completion of review pursuant to final licensing under the authority of the Federal Energy Regulatory Commission. Coastal Zone Management Act Consistency is a requirement of final authorization. Demonstrated compliance with the Shoreline Management Act and its

implementing regulations, including the permit requirements, the policies and the regulations addressed through the Skagit County Shoreline Management Master Program represents a component of this consistency requirement. Nine project proponents are currently asserting consistency with the Washington Coastal Zone Management Program. Among these, three have only to successfully address the shoreline permit requirement to achieve certification.

It should be noted that the Skagit County Shoreline Management Master Program designates all federally owned shorelines as Natural. Master Program, Chapter 2 Applicability, 2.03 Applicability to Federal Agencies, 6., reads:

All shorelines within federally owned lands that are subject to the provisions of the Shoreline Management Act are hereby designated Natural Shoreline Areas and any uses proposed for such shorelines are subject to the applicable policies and regulations of this Master Program.

Hydroelectric generating facilities are addressed under Master Program Chapter 7.18 Utilities. Section 7.18, 2. Regulations, A. Shoreline Area, (5) Natural, a., reads:

Utility development is not permitted.

Several of the project sites are located on federally owned lands within the Mount Baker National Forest and managed by the United States Forest Service. The blanket designation of federally owned streams, with a mean annual flow of twenty cubic feet per second or more, as Natural Shoreline Areas and the associated prohibition of utility development within these areas has presented Skagit County with a number of compelling issues including: 1) Jurisdictional issues associated with potential federal preemption and the applicability of the provisions of the Master Program to federal lands; 2) Designation of the Natural Shoreline Areas which may not reflect the existing site conditions in accordance with designation criteria of the Master Program; 3) and Inconsistencies between multiple use management policies promulgated by federal mandate under the Mount Baker Forest Management Plan and the management policies for Natural Shoreline Areas set forth in the Master Program.

RECENT DEVELOPMENTS: In November of 1994, The Federal Energy Regulatory Commission, Office of Hydropower Licensing issued the Draft Environmental Impact Statement For Nine Hydroelectric Projects Proposed For The Skagit River Basin, Washington. Three of the nine proposed projects currently have made application for shoreline permits with the Skagit County Department of Planning and Community Development. Preliminary review of the remaining six projects indicates that a shoreline permit from Skagit County will be required, to obtain Coastal Zone Consistency.

AMENDATORY PROCESS: Amendatory procedures for the revision of local Master Programs are set forth under the Washington Administrative Code 1173-19-060 and 173-19-061. Preparation and review of amendments are initiated at the local level and transmitted to the Washington State Department of Ecology for review and adoption. In addition, environmental review must be provided under the provisions of the State Environmental Policy Act (WAC 197-11.)

EXHIBITS:

1. Skagit County Shoreline Management Master Program adopted December, 1976.
2. Skagit County Hydro-Power Citizen Advisory Committee Proposed Shoreline Management Master Program Amendments.
3. "Jurisdictional Overview - The Applicability of the Skagit County Shoreline Management Master Program to Hydropower Projects", prepared by John Moffat, Chief Civil Deputy, Skagit County Prosecutor.
4. State Environmental Policy Act, Environmental Checklist, prepared October 11, 1994.
5. Determination of Nonsignificance, issued October 12, 1994 by the Skagit County Department of Planning and Community Development.
6. Affidavit of Publication, Determination of Nonsignificance, published October 14, 1995, Skagit Valley Herald.
7. Affidavit of Publication, Determination of Nonsignificance published October 12, 1994, Skagit Argus.
8. Affidavit of Publication, Notice of Public Hearing, published Skagit Valley Herald, February 24, 1995, March 1, 1995 and March 8, 1995.
9. Affidavit of Publication, Notice of Public Hearing, published Skagit Argus, February 22, 1995, March 1, 1995 and March 8, 1995.
10. Energy Conservation and Resource Plan, Summary and Appendix, Skagit County, December 1983.

STAFF ANALYSIS AND FINDINGS:

1. The public hearing has been advertised in accordance with the requirements and procedures set forth in WAC 173-19-060.
2. The proposed amendment has been reviewed in accordance with the State Environmental Policy Act (SEPA) guidelines. Skagit County Department of Planning and Community Development, acting as Lead Agency, issued a Determination of Nonsignificance on October 12, 1994. The comment period expired on October 27, 1994. No correspondence was received in response to the DNS.
3. A coastal zone management grant was awarded to Skagit County by the Washington State Department of Ecology on July 1, 1993. The grant included funds for the amendment of the Skagit County Shoreline Management Master Program, hydropower provisions, and specifically called for:
 - a. Coordination of all project related work with the appropriate local, state and federal agencies including the Washington State Department of Ecology Shorelands Section.
 - b. Preparation of a position paper analyzing Skagit County's responsibilities associated with the review of small hydro projects.

- c. Preparation of draft amendments addressing the applicable Master Program provisions.
 - d. Convening of a Citizens Advisory Committee to assist in the preparation and review of the draft amendment.
4. In February 1994 Skagit County prepared a position paper or report analyzing and assessing the problems associated with the application of the Shoreline Master Program to small hydro proposals. This report was prepared in coordination with the Skagit County Prosecutors' Office and was written by John Moffat, Chief Civil Deputy for Skagit County. The report titled Jurisdictional Overview - The Applicability of the Skagit County Shoreline Management Master Program to Hydropower Projects was predicated upon meetings held with the Department of Ecology. Analysis centered upon the levels of jurisdiction, review and authority as they relate to the FERC review process and the CZMA consistency requirement. The position paper provided the jurisdictional understanding under which the Draft Amendment was prepared, reviewed and revised by the Citizens Advisory Committee. A copy of this position paper is attached to this report as Exhibit 3.
 5. It should be recognized that although the hydro community has participated in the amendatory process there is not general agreement on the issue of federal preemption or the level of authority presumed by Skagit County under the Jurisdictional Overview position paper. This notwithstanding Skagit County has now adopted a position consistent with the Department of Ecology which will address the federal lands issue and increase the applicability of the Master Program.
 6. In March of 1994 the Skagit County Board of Commissioners convened the Citizens Advisory Committee on Hydropower. The CAC included representatives of the hydropower industry, the Washington State Department of Fish and Wildlife, the United States Forest Service, Skagit County Department of Parks, Recreation and Fair and citizens at large. The Skagit System Cooperative was invited to attend, but declined to participate. The CAC met bi-weekly from March through June of 1994. In addition the CAC toured the Koma Kulshan hydroelectric facility located in Whatcom County and sponsored an open house on May 18, 1994 to provide further opportunities for citizen participation. The CAC voted to endorse the draft amendment at the June 29, 1994 meeting.
 7. Under a consultant services agreement with David Nemens Associates Inc., and relying upon the jurisdictional direction established by the position paper, the Citizen Advisory Committee prepared draft Master Program Amendments. The subject amendments address two broad areas: 1. The need to remove the blanket prohibition of hydropower development on shorelines falling under federal ownership. 2. The need to increase the applicability of the Master Program to hydropower proposals by amending existing language and drafting additional language specific to such developments.

8. The prohibition of federal lands issue was resolved by redesignating shorelines within federal ownership from natural to conservancy. This designation change also increased consistency between Skagit County plans and the multiple use policies utilized by the Forest Service in managing the Mount Baker National Forest.
9. Although some sites on Federal lands are not suitable for hydropower facilities, others are; a shoreline designation allowing evaluation on a site specific basis would allow development on those sites where it can be accommodated in the context of management for multiple use. The Conservancy designation, allowing hydropower development as a conditional use, allows for site evaluation on a case-by-case basis, while giving the County the authority to withhold permitting when a site is found to be unsuitable. The Natural designation is not appropriate for those lands; they are more appropriately described by the Conservancy designation. Thus, changing the shoreline designation on Federal lands from Natural to Conservancy would more accurately reflect the use of those lands and would allow utility development as a shoreline conditional use with little if any risk to natural resources.
10. Local governments are required in the Shoreline Management Act (SMA) to include provisions for authorizing uses and development by conditional use permits. The purpose of a conditional use permit is to allow greater flexibility in the application of the use regulations of the Master Program. Consideration must be given under the conditional use permit review process to the cumulative impact over time of granting additional permits for like actions in the area. If comparable development proposals are likely and were permitted by the conditional use permit in the area where similar circumstances exist, the total of the developments must also be consistent with the Master Program and must not produce substantial adverse effects to the shoreline environment.
11. Central to the concept of hydropower development is the need to develop a network of facilities that contribute to the overall power needs of a region. Because of the limited output potential, a number of sites may need to be developed to be economically feasible. Based on this assumption the FERC has required that cumulative environmental analysis be undertaken in the Skagit and Nooksack watersheds. The conditional use permit is the mechanism that state and local governments may utilize under the Shoreline Management Act and the Skagit County Shoreline Management Master Program to address cumulative impacts. In addition, requiring a shoreline conditional use permit for hydropower facilities within a conservancy shoreline area will be consistent with the other sections of the Master Program which permit instream structures as conditional uses in a conservancy area.
12. Master Program, Chapter 11, Section 11.03 sets forth the following criteria for granting conditional use permits:
 1. Permits for uses which are classified or set forth in this Master Program as conditional uses may be authorized providing the applicant can meet all the following criteria, the burden of proof shall be on the applicant.

- a. That the proposed use will be consistent with the policies of this Master Program and policies of RCW 90.58.020.
 - b. That the proposed use will not interfere with the normal public use of public shorelines.
 - c. That the proposed use of the site and design of the project will be compatible with other permitted uses in the area.
 - d. That the proposed use will cause no unreasonable adverse effects to the shoreline environment designation in which it is located.
 - e. That the public interest suffers no detrimental effect.
2. Other uses which are not classified or set forth in this Master Program may be granted as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in Section 11.03 a., b., c., d. and e., that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of this Master Program.
3. Conditional use permits may not be granted for uses which are prohibited by this Master Program.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.
13. The CAC relied upon the Instream Structure language drafted by the Department of Ecology as a starting point in the development of a new Master Program chapter specific to hydropower. In addition Chapters 2. Applicability, 3. Definitions, 6. Shoreline Area Designations, 7. Allowable Use Matrix, 7.06 Landfills and 7.18 Utilities were amended to enhance the Master Program's applicability to hydropower proposals.
14. The amendments propose the establishment of a separate use category, Section 7.19 Hydropower, which sets forth general policies and regulations and specific regulations for each of the six shoreline area designations. Currently the Master Program permits hydropower developments generally under Section 7.18 Utilities. With three shoreline permits pending and the potential for several more, it is imperative that a section dealing specifically with hydropower be added to the Master Program. The role of the hydro community and the community at large on the CAC was to identify issues that needed to be addressed in the Master Program provisions and to set forth standards for the development of hydropower in Skagit County. The proposed amendments, including Section 7.19 Hydropower are a product of this effort.
15. The addition of Section 7.19 Hydropower, poses the need for several additional modifications to the Master Program, including the inclusion of "Hydropower" within the allowable use matrix of Chapter 7, modifications relating to landfills associated with

hydropower facilities in Chapter 7.06 Landfills and the deletion of hydropower reference in Master Program, Section 7.18 Utilities.

16. The proposed amendments include the addition and modification of definitions applicable to "hydropower" in Master Program, Chapter 3 Definitions. The definitions of FERC, flowline, hydropower, multiple use, penstock, powerhouse, practical, riparian corridor, and run-of-the river have been added and modifications have been made to the definitions of impoundment, shoreline dependent use, and utilities.
17. The proposed amendments develop a standardized approach to assess the impacts of hydropower facilities and to guide the development of appropriate mitigation measures, by outlining specific policies for impacts and mitigation. These policies were developed utilizing the definitions and procedures outlined in the State Environmental Policy Act and the Shoreline Management Act in regard to mitigation.
18. It should be noted that the amendments are proposed to address hydropower facilities associated development universally and do not differentiate between federally licensed and non-federally licensed projects. However, to avoid duplication on the part of an applicant applying for a federal license and a shoreline permit from Skagit County, the following policy was drafted:

7.19, 1., A., (2)

When applicable, Skagit County shall utilize existing environmental and technical information prepared pursuant to the requirements of FERC to satisfy the requirements of WAC 173-14-110 and the requirements of this SMMP. Additional information may be required at the discretion of the Shoreline Administrator, the Hearing Examiner and/or the Board of County Commissioners from FERC and/or the applicant.

19. As required by RCW 36.70A.120, all implementing regulations shall be consistent with the County-Wide Regional Comprehensive Plan Policies adopted by Skagit County in July, 1992 pursuant to the Growth Management Act. Amendments to the implementing regulations shall also conform to these policies. Applicable policies are included under but not limited to 5. Economic Development and 8. Natural Resource Industries.
 - 5.1 The development of environmentally sensitive industries shall be encouraged.
 - 5.4 Commercial and industrial activities directly related to local natural resources production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses.
 - 5.6 Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and life styles.

- 5.8 Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.
 - 5.12 Value added natural resource industries shall be encouraged.
 - 5.13 Skagit County shall increase the availability of renewable resources and encourage the maximum attainable recycling of non-renewable resources.
 - 5.14 Commercial and industrial activities directly related to or dependent on local aquatic resource areas should be encouraged in shoreline areas provided they are shoreline dependent and/or related.
 - 8.8 Skagit County shall encourage sustainable use of the natural resources of the County, including but not limited to agriculture, forestry, and aquatic resources.
20. The Skagit County Department of Planning and Community Development has determined that the proposed Master Program amendment is compatible with the County-Wide Comprehensive Plan Policies.

RECOMMENDATION

The Skagit County Department of Planning and Community Development would recommend approval and adoption of the above described amendment to the Skagit County Shoreline Management Master Program.

Prepared by: Zoe Pfahl, Shoreline Administrator
Date: March 7, 1995