

## **CHAPTER 7    POLICIES AND REGULATIONS**

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The following policies and regulations for shoreline development and uses are hereby adopted. The purposes of these policies and regulations are to implement the goals, objectives and shoreline area designations of this program, together with the polices of the Act.

**SKAGIT COUNTY MASTER PROGRAM  
ALLOWABLE USES MATRIX**

Uses	<u>Shoreline Area</u>					
	Urban	Rural Res.	Rural	Conservancy	Natural	Aquatic
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*/C
Forest Practices	Y	Y	Y	Y	Y*	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 Resources	C	C	C	C	C*	C
Shore Defense Works	Y*	Y*	Y*	C	N*	C
Shoreline Stabilization & 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.

## 7.01 AGRICULTURAL PRACTICES

### 1. POLICIES

#### A. **General**

- (1) Those lands which have agricultural capabilities should be identified and protected for continued agricultural use.
- (2) The creation of new agricultural lands by diking, or filling of those tidelands, tidal marshes, and associated wetlands which are potentially more productive in their long term natural state should be discouraged.
- (3) The diversion of water for agricultural purposes should be done in accordance with water right procedures and the guidelines and regulations of the appropriate agencies.
- (4) Farm management techniques, operations, and control methods should be utilized in accordance with the guidelines and standards of the Soil Conservation Service.

#### B. **Water Quality**

- (1) Appropriate farm management techniques should be utilized to prevent contamination of nearby water bodies by fertilizer and pesticide use and application.
- (2) Animal feeding operations, retention and storage ponds, feedlot waste storage, and manure storage should be located to prevent contamination of water bodies and degradation of the shoreline environment.

#### C. **Buffer Areas**

- (1) Buffer zones of perennial vegetation should be maintained between cultivated bodies of water to protect the shoreline and aquatic environments from bank failure, erosion, siltation and surface runoff.

**D. Drainage**

- (1) New, existing, and natural drainage systems and outlets should be utilized, maintained and protected to allow for continued agricultural production.
- (2) The burning of weed and grass growth along drainage ditches should be allowed and should be conducted in accordance with the guidelines and regulations of appropriate agencies (i.e. Northwest Air Pollution Authority).

**2. REGULATIONS**

**A. Shoreline Areas**

**(1) Urban**

Agriculture is permitted subject to the General Regulations.

**(2) Rural Residential**

Agriculture is permitted subject to the General Regulations.

**(3) Rural**

Agriculture is permitted subject to the General Regulations.

**(4) Conservancy**

Agriculture uses, especially those of a passive nature, shall be permitted PROVIDED that no construction or activity which measurably changes the character of the shoreline area occurs except as otherwise provided in this Master Program.

**(5) Natural**

Only nonintensive agricultural areas such as pasture and grazing lands shall be permitted PROVIDED that no clearing, construction, or other activities which change the character of the shoreline area occur, and PROVIDED that a visual buffer area of 100' in width be established or maintained within the shoreline area.

**(6) Aquatic**

Agriculture shall be prohibited.

**B. General**

- (1) **Erosion control** - Agricultural practices, excluding riprap and levees/dikes, shall prevent and control erosion of soils and bank materials within shoreline areas. Control measures shall conform to guidelines and standards of the Soil Conservation Service of the U.S. Department of Agriculture.
- (2) **Pesticides and herbicides** - Pesticides and herbicides shall be handled, applied, and disposed of in accordance with provisions of the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Act (RCW 15.57).
- (3) **Vegetative Erosion Control** - Buffer areas of perennial vegetation shall be established and/or maintained between cultivated areas and applicable water bodies.
- (4) **Feedlots, manure storage** - Feedlot operations and animal waste retention and storage areas shall not be located within shoreline areas unless direct manure runoff is prevented.
- (5) The bulk disposal of inorganic farm wastes, chemicals, fertilizers, and associated containers and equipment within shorelines areas is prohibited.
- (6) Any proposal for new agricultural lands created by diking, draining, or filling of tidelands, salt marshes, and associated water bodies and wetlands shall provide a thorough evaluation of the natural productivity of the wetlands to be displaced and the proposed use.

**C. Tabular Regulations**

Table AP establishes:

- (1) **Shoreline setbacks** (in feet) as measured from OHWM for agriculture development not requiring a shoreline location, such as barns, storage or warehouse buildings, loafing sheds, machine sheds, or grain silos. See General Regulations for feedlots, manure and silage storage.

- (2) **Height limits** (in feet) for agriculture structures, provided that the height limit does not apply to silos.

**TABLE AP - SHORELINE AREA REGULATIONS - AGRICULTURE**

		<b>SHORELINE AREA</b>					
		Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1.	Shore setbacks (in feet) from OHWM for agricultural structures	NA	50	75	100	NA	NA
2.	Height limits (in feet) for agricultural structures	NA	25	35	35	NA	NA

## 7.02 AQUACULTURE

### **DEFINITION**

Aquaculture is the farming or culturing of foodfish, shellfish, or other aquatic animals and plants in lakes, streams, inlets, estuaries and other natural or artificial water bodies. Activities include the hatching, cultivating, planting, feeding, raising and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, building, and growing areas. Cultivation methods include but are not limited to fish pens, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas.

### **1. POLICIES**

#### **A. General**

Aquaculture practices along the shorelines of Skagit County shall be conducted in accordance with the applicable local, state and federal regulations.

#### **B. Water Quality**

- (1) Aquaculture practices should ensure that water quality is maintained at established standards and the shoreline environment is protected. Baseline water quality data should be established before the siting of facilities and water quality monitored at intervals throughout the operational life of the facilities.
- (2) All waters that influence aquaculture areas should be protected from sources of pollution which degrade water quality.

#### **C. Estuaries**

Estuarine habitats should be protected to sustain and foster their natural productivity.

#### **D. Fisheries**

- (1) New aquaculture proposals should not adversely impact existing fish and shellfish resources.
- (2) In recognition of the importance of the Skagit and Samish Rivers to native and hatchery fish resources, commercial fish net pens should not be located within Skagit, Padilla and Samish Bays.

**E. Location**

- (1) Areas with high intertidal aquaculture resource potential, including but not limited to areas within Samish, Padilla and Skagit Bays, may be identified and encouraged for aquaculture use and protected from degradation by other types of land and water use.
- (2) Aquaculture projects proposed for Shorelines of Statewide Significance should comply with the policies of Chapter 5 of this Master Program and RCW 90.58.020.
- (3) Aquaculture should not be allowed in the following areas:
  - a. Areas that have water quality problems that make them unsuitable for the type(s) of aquaculture under consideration.
  - b. Areas devoted to established, traditional and historic uses of the aquatic environment with which the proposed aquaculture method(s) would substantially and materially conflict. Such uses would include but are not limited to navigation, moorage, sport or commercial fishing, recreational boating, log towing, rafting and storage, underwater utilities, and active, scientific research. Previous unrestricted recreational use of surface waters should not be grounds for denial of aquaculture proposals.
  - c. Areas where an aquaculture proposal may result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.
  - d. Areas contiguous or adjacent to wildlife refuges, critical habitats or environmentally sensitive areas (as defined by Federal, State or County regulations) where the proposed activity may significantly and adversely affect the refuge, habitat or area use or value.
  - e. Areas where the placement of aquaculture facilities produce hazards to safety.
- (4) Public trust principles associated with navigation, recreation and public resources should be recognized by aquaculture applicants prior to siting facilities.

## **F. Impacts**

- (1) Consideration should be given to both potential benefits to the local economy and impacts aquaculture development may have on the physical environment, existing or approved land and water uses, including navigation, public access and the aesthetic qualities of the project area.
- (2) Preference should be given to those forms of aquaculture that involve less significant environmental and visual impacts. Generally:
  - a. Projects that require no structures, submerged structures or intertidal structures should be given preference over those that involve substantial floating structures.
  - b. Projects that require few land based facilities should be given preference over those that require substantial facilities.
  - c. Projects that involve little or no substrate modification should be given preference over those that involve substantial modification.
  - d. Projects that involve little or no artificial feeding or use of chemical treatment should be given preference over those that use substantial artificial feeding or chemical treatment.
- (3) The county-wide density of net pen, raft and other culture operations should be limited as necessary to minimize cumulative environmental impacts.
- (4) Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time.
- (5) New shoreline proposals in the vicinity of an experimental aquaculture project should be restricted or denied if they could compromise the monitoring and data collection of the experimental project.
- (6) All permitted aquaculture projects should be protected from new developments that could damage or destroy them.

## **2. REGULATIONS**

### **A. Shoreline Areas**

#### **(1) Urban**

Aquaculture is permitted subject to the General (see B.) and Tabular Regulations (Table AQ.)

#### **(2) Rural Residential**

Aquaculture is permitted subject to the General (see B.) and Tabular Regulations (Table AQ.)

#### **(3) Rural**

Aquaculture is permitted subject to the General (see B.) and Tabular Regulations (Table AQ.)

#### **(4) Conservancy**

Aquaculture activities which do not require over water or immediate shoreline structures or extensive alteration of natural features shall be permitted. Other aquaculture development is permitted as a conditional use.

#### **(5) Natural**

Aquaculture activities which do not require structures, either fixed or floating, alterations of natural features, or bottom land mechanical harvest and propagation procedures shall be permitted.

#### **(6) Aquatic**

a. Structures, either fixed or floating, or shoreline alterations are prohibited on bottomlands and surface waters abutting a Natural Shoreline area.

b. Fixed structures or shoreline alterations are permitted on bottomlands and surface waters abutting a Conservancy Shoreline Areas as a conditional use.

c. All other aquaculture activities are permitted subject to the General (see B.) and Tabular Regulation (Table AQ.)

### **B. General**

- (1) **Shoreline permit/ statement of exemption** - In order to assure that new or expanded aquaculture proposals are consistent with this program, no work may commence without the responsible business, person or agency having obtained either a permit or statement of exemption from Skagit County.
- (2) **A Statement of Exemption** - A written statement of exemption is required for new or expanding aquaculture activities that do not constitute substantial development or otherwise require a shoreline permit. Such activities may include, but are not limited to:
  - a. Propagation of aquatic life;
  - b. Cultivation or feeding of aquatic life;
  - c. Harvesting of aquatic life except for the dredging or disturbance of bottom materials;
  - d. Normal equipment and area maintenance activities;
  - e. Placement of shells when done to maintain existing shellfish cultivation beds.
- (3) **Project Information** - Applicants for new or expanding aquaculture activities shall include in applications all information needed to conduct thorough evaluations of their aquaculture proposals. This may include but is not limited to the following:
  - a. Species to be reared;
  - b. Aquaculture method(s);
  - c. Anticipated use of any feed, pesticides, herbicides, antibiotics, fertilizers, or other substances, and their predicted impacts;
  - d. Personnel/employment necessary for the project;
  - e. Harvest and processing location, method and timing;
  - f. Location and plans for any shoreside development or activities, including loading and unloading of the product and processing;
  - g. Methods of waste disposal;
  - h. Environmental assessment, including background information on water quality, tidal variations, prevailing storm wind conditions,

current flows, flushing rates, aquatic and benthic organisms, and probable impacts on water quality, substrate, bottom, water column, surface, biota, currents, littoral drift and any existing shoreline or water uses. Further baseline studies may be required depending upon the results of assessment, existing conditions, the nature of the proposal, and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense unless otherwise provided for;

- i. Method of predator control;
- j. Other pertinent information deemed necessary by Skagit County;
- k. The cost/benefit and economic impact(s) on County or segment thereof;
- l. Identify conflicts and propose mitigation regarding established, historic, traditional uses of the aquatic environment and neighboring uplands.

(4) **Fisheries** - In recognition of native and hatchery fish resources, commercial fish net pens shall be prohibited within the following shorelines of Skagit, Padilla and Samish Bays: all Shorelines of Statewide Significance within Skagit and Padilla Bays, (as set forth in Chapter 5 of this Master Program); and all Shorelines of Statewide Significance and Shorelines of the State from Pt. Williams North to the Whatcom County line on Samish Bay.

(5) **Navigational conflicts** - The location of floating and submerged aquaculture structures shall not unduly restrict navigation to or along the shoreline or interfere with traditional navigation lanes or traffic. Floating structures shall remain landward of principal navigation channels. Other restrictions on the scale of aquaculture activities to protect navigational access and maritime safety may be necessary based on the size and shape of the affected water body. Structures within navigable waters shall be marked in accordance with U.S. Coast Guard requirements.

- (6) **Established Uses** - The location of floating and submerged aquaculture structures shall not substantially or materially restrict established, traditional and/or historic uses of the aquatic environment. Such uses include, but are not limited to: navigation, moorage, sport or commercial fishing, recreational boating, log towing, rafting and storage, underwater utilities, and active scientific research
- (7) **Shore defense works** - Aquaculture developments shall be located to minimize the need and use of shore defense works.
- (8) **Shorelines of Statewide Significance:**
- a. Aquaculture proposals for Shorelines of Statewide Significance shall also be subject to the policies of RCW 90.58.020 and the provisions of Chapter 5 of this Master Program.
  - b. Commercial fish net pens shall be prohibited within the following shorelines of Skagit, Padilla and Samish Bays: all Shorelines of Statewide Significance within Skagit and Padilla Bays, (as set forth in Chapter 5 of this Master Program); and all Shorelines of Statewide Significance and Shorelines of the State from Pt. Williams North to the Whatcom County line on Samish Bay.
  - c. Mechanical disturbance of bottom materials for shellfish harvest is prohibited on shorelines of Statewide significance except the traditional mechanical (drag) dredge shellfish harvest method may be allowed as a conditional use. All hydraulic harvest methods, shall require a conditional use permit.
- (9) **Special habitat areas** - Aquaculture uses and facilities shall be located a minimum of 600 feet from any wildlife refuge, reserve or of officially recognized habitat of special significance; provided that fish net pens, floating facilities and projects involving substantial substrate modification shall be located 1,320 feet or more from such areas and state park boundaries (managed by the Washington State Parks and Recreation Commission); provided further that lesser distances may be authorized by a variance if it is demonstrated by the applicant that the wildlife resource

or habitat will be protected and if the change is supported by the reviewing resource agencies. Greater distances may also be required if supported by the appropriate agencies.

- (10) **Shoreline dependent uses** - Aquaculture structures and activities that are shoreline dependent, but do not require a water surface location because of their functional nature shall be located landward of the ordinary high water mark, and are subject to the tabular regulations of Table AQ, except that reduced setbacks may be permitted by variance for the operation of hatcheries and rearing ponds. Uses which are not shoreline dependent shall be located landward of shoreline jurisdiction and shall minimize detrimental impacts to the shoreline environment.
- (11) **Over water storage structures** - For aquaculture projects utilizing over water structures, storage of necessary tools and apparatus seaward of the ordinary high water mark shall be limited to containers of not more than four feet in height, as measured from the surface of the raft or dock; provided that in locations where the visual impact of the proposed structures will be minimal, the County based upon a variance may authorize storage containers of greater height. In such cases the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the ordinary high water mark.
- (12) **Hatcheries** - Hatchery operations shall be required to maintain a minimum fifty (50) foot wide vegetated buffer zone along the affected streamway, provided that clearing of vegetation shall be permitted for essential water access points.
- (13) **Density** - Aquaculture proposals that include net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts, provided that a lesser distance may be authorized by variance by the County if the applicant can demonstrate that the shoreline environment and the provisions of this Master Program will not be compromised. If a lesser distance is requested, the burden of proof

shall be on the applicant to demonstrate that the cumulative impacts of the existing and proposed operations would not compromise the shoreline environment or the provisions of this Master Program.

**(14) Visual impacts** - For floating culture facilities the County shall reserve the authority to require a visual impact analysis consisting of information comparable to that found in the Department of Ecology's "Aquaculture Siting Study" 1986. The analysis shall be prepared by the applicant and contain additional information as deemed appropriate by Skagit County.

**(15) Introduced Species**

- a. No aquatic organism shall be introduced into County salt or fresh waters without prior written approval of the Washington State Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism proposed for introduction. The required approval shall be submitted in writing to Skagit County prior to the introduction or the granting of the permit, whichever comes first.
- b. Unless otherwise provided by shoreline permit the repeated transfer of an approved organism in the same location shall require approval of the County only at the time the permit is issued. Transfer for the purposes of this section shall mean the placing of any organism in any area within county waters regardless of whether it is a native or resident organism and whether it is being transferred from within or out of the County.
- c. A conditional use permit shall be required for the introduction of a non-native species that may adversely impact the ecological balance of the surrounding area.

**(16) Incompatible uses** - Legally established aquaculture operations, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to, or destruction of such

an aquaculture operation shall be grounds for denial of that use. The obverse shall also be true.

- (17) **Predator control** - The abusive harassment or killing of birds and mammals shall not be permitted. Approved controls include but are not limited to double netting for seals, overhead netting and clam bed netting for birds, and three foot high fencing or netting for otters. The use of other non-lethal, non abusive measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required. All controls are subject to approval of the Skagit County.
- (18) **Processing** - No processing of any aquaculture product, except for the sorting or culling of the cultured organisms and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be governed by, in addition to these provisions, the policies and regulations of other applicable sections of this Master Program. These provisions include, but are not limited to commercial and industrial uses.
- (19) **Waste** - Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation. Exception: Deposit of shell material for shellfish production shall be allowed in accordance with 2, B., (3) e. of this chapter.
- (20) **Pollution** - Aquaculture activities shall comply with all applicable governmental noise, air pollution and water quality standards. All projects shall be operated and maintained to minimize odor and noise.
- (21) **Hazard abatement** - Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure constitutes a potential public hazard, the

County shall require the posting of a bond commensurate with the cost of removal or repair. The County may abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in 30 days and may impose a lien on the related shoreline property or other assets in an amount equal to the cost of the abatement. Bonding requirements shall not duplicate those of other agencies.

- (22) **Chemical use** - Permit applications shall identify all pesticides, herbicides, antibiotics, vaccines, growth stimulants, fertilizers, anti fouling agents, or other chemicals that the applicant anticipates utilizing. No chemicals shall be used until approval is obtained from all appropriate state and federal agencies. The cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing, rather than chemical treatment or application.
- (23) **Net pen guidelines** - Fish net pens shall meet, as a minimum, state approved administrative guidelines for the management of net pen cultures; where any conflict in requirements arises the more stringent requirement shall prevail.
- (24) **Monitoring** - Operational monitoring shall be required to the extent necessary to determine, ensure and confirm compliance with all local, state and federal regulations. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's expense. Reports addressing monitoring activities shall be required by the county annually or when necessary, as a condition of approval. Reports shall address specified parameters and be submitted to the County and appropriate agencies as conditioned.
- (25) **Net pen size** - Individual fish net pen facilities shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements.
- (26) **Experimental Aquaculture**
  - a. Except as provided in regulation (25), aquaculture developments approved on an experimental basis shall not exceed two acres in

area and five years in duration; provided that the County may issue a new permit to continue an experimental project as many times as is deemed necessary and appropriate. Annual reports on the progress of experiments shall be submitted to Skagit County.

- b. Where necessary to preserve the integrity of any research data collected, aquaculture developments which would be likely to jeopardize an experimental aquaculture facility shall not be allowed within the same bay, harbor, or cove or within a mile of such a facility until the experimental facility is granted non experimental status or terminated.

**(27) Existing Uses**

- a. Existing or non-conforming uses and/or structures proposed for expansion shall be evaluated pursuant to the provisions of Chapter 12 of this Master Program.
- b. A conditional use permit shall be required for the expansion of an aquaculture operation that may adversely impact the ecological balance of the surrounding area.

**C. Tabular Regulations**

- (1) Shoreline Setback** - Table AQ establishes a minimum setback measured from the ordinary high water mark (in feet) for aquaculture development which is shoreline dependent, but does not require a water surface location because of its functional nature.
- (2) Height limit** - Table AQ establishes maximum heights (in feet) for aquaculture structures. Subsection (a) applies to structures within 100 feet of the ordinary high water mark; subsection (b) applies to structures between 100 and 200 feet from the ordinary high water mark. See “Aquatic” for overwater structures.

**TABLE AQ - SHORELINE AREA REGULATIONS - AQUACULTURE**

REGULATION	SHORELINE AREA					
	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
Shore Setback	50	50	75	100	NA	NA
Height Limit						
a. 0-100 feet	20	20	20	15	NA	10
b. 100-200 feet	20	25	25	25	NA	10
c. Overwater Storage Structures	NA	NA	NA	NA	NA	4

## 7.03 COMMERCIAL DEVELOPMENT

### 1. POLICIES

#### A. General

- (1) Commercial developments along the shorelines of Skagit County should adhere to the guidelines, policies, and regulations of this Master Program and the appropriate agencies at the county, state, and federal levels.
- (2) If a component of a commercial development falls within the Shoreline Management jurisdiction, the entire development proposal should, therefore, be considered and reviewed as a single project relating to shoreline use.

#### B. Space

Because of the space requirements of some commercial developments and the limited quantity of shoreline available to the public, commercial enterprises should be encouraged to locate inland from shoreline areas unless shoreline dependent.

#### C. Location

- (1) If proposed commercial developments can show that they are specifically dependent on a shoreline location and/or use of the shoreline and if it can be shown that the development will have minimal adverse impact upon the shoreline environment, then such developments should be allowed.
- (2) Commercial developments not requiring shoreline locations should locate inland from the shoreline area.
- (3) Commercial developments, if allowed on shorelines, should locate along other than braided or meandering river channels and away from estuaries and tidelands.

#### D. Access

- (1) Commercial developments should be encouraged to utilize existing transportation corridors to minimize points and areas of access.

Such access should minimize conflict with and impact upon regular corridor traffic.

- (2) If allowed on shorelines, recreation oriented commercial development should provide water access to customers/paying users/members and should not rely on or overburden nearby public facilities.

**E. Design**

- (1) Sewage Disposal:
  - a. Solid and liquid wastes and effluent of commercial developments should not be allowed to enter any bodies of water or to be discharged onto the land.
  - b. All current and future policies and regulations of appropriate regulatory agencies regarding solid and sewage waste disposal should be adhered to. Policies and regulations with higher standards should take precedence.
- (2) Auxiliary use facilities, such as restrooms, access roads, and parking areas should be located inland from shoreline areas.
- (3) Surface runoff:
  - a. Commercial developments should minimize the quantity and impact of surface water runoff from the affected site.
  - b. Where possible and feasible, roads and parking areas should be constructed of permeable materials to allow the infiltration of rain and other surface runoff waters.
- (4) The design of commercial developments should be compatible with the existing shoreline uses and environment.
- (5) Outdoor advertising and signs - See "Outdoor Advertising."
- (6) Roads - See "Transportation Facilities."

**F. Conflicts and Impacts**

- (1) Proposed shoreline commercial developments should be compatible with adjacent and surrounding land and water uses and

should minimize environmental impacts to the shoreline environment.

- (2) In design review of proposed commercial enterprises, consideration should be given to the development's potential impact on scenic views significant to the area and to other shoreline users.

## 2. **REGULATIONS**

### A. **Shoreline Areas**

#### (1) **Urban**

Shoreline dependent or related commercial development is permitted subject to the General and Tabular Regulations.

#### (2) **Rural Residential**

Shoreline dependent and related commercial development is permitted subject to the General and Tabular Regulations and PROVIDED such uses do not significantly alter the character of the Rural Residential Shoreline area and are of a community serving nature. Such uses include: cafes, restaurants, and community retail, service and grocery stores.

#### (3) **Rural**

Shoreline dependent commercial development is permitted subject to the General and Tabular Regulations and PROVIDED such uses do not significantly alter the character of the Rural Shoreline Area. Such uses include: campgrounds, group camps, public and private parks and recreational facilities, farm related sales and services, and commercial uses in restoration of historical structures.

#### (4) **Conservancy**

Commercial development is prohibited EXCEPT for low intensity recreational and planned unit developments which do not significantly alter the character of the Conservancy Shoreline Area. See "Recreation," Section 7.12.

(5) **Natural**

Commercial development is prohibited.

(6) **Aquatic**

Commercial development is prohibited except for those uses provided for in B.1., this section. See Table CD, Aquatic, for height standards.

**B. General**

(1) **Over water structures** - Commercial docking and boat fueling stations shall be permitted to locate structures over the water. All other commercial over water structures are prohibited.

(2) **Bulkheading combined with landfilling** within aquatic shoreline areas for commercial purpose is prohibited.

(3) **Permitted uses** - Only those commercial developments that are related to or dependent upon a shoreline location shall be permitted.

(4) **Shoreline access** - Commercial developments, especially resort and recreational campgrounds, shall provide aquatic access to shoreline and water areas for members and users.

(5) **Design**

a. All parking lots, access roads, and auxiliary structures, if permitted, shall meet Table CD setback requirements. Exceptions: boat launch ramps and facilities, facilities for the handicapped.

b. Shoreline commercial developments shall design and maintain their facilities and activities in a neat, orderly and environmentally compatible manner. Need and special considerations for landscaping and buffer areas shall be subject to department review and criteria on a case by case basis.

**C. Tabular Regulations**

Table CD establishes:

- (1) **Shore setbacks** (in feet) from the ordinary high water mark for:
  - a. Primary structures, uses.
  - b. Accessory uses, structures, parking areas.
- (2) **Sideyard setbacks** (in feet) from side property lines for dependent/related uses.
- (3) **Site coverage**: Maximum percentage of the shoreline area that may be developed or covered by structures, roads, parking and primary uses.
- (4) **Height limits** (in feet) as measured from average elevation occupied by the structure for structures within (a) 100 feet and (b) 100 to 200 feet from the ordinary high water mark. See Aquatic for over water structure height standards.

**TABLE CD – TABULAR SHORELINE AREA REGULATIONS**

**COMMERCIAL DEVELOPMENT**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. Shore Setbacks (in feet) from ordinary high water mark.						
a. Primary structures, Uses	25 ft.	50	100	150	NA	NA
b. Accessory Uses	50	75	125	150	NA	NA
2. Sideyard Setbacks (in feet)	20	30	50	75	NA	NA
3. Site Coverage	70%	50%	30%	20%	NA	NA
4. Height Limit (in feet)						
a. 1-100 feet from ordinary high water mark	30	30	30	25	NA	10
b. 101-200 feet from ordinary high water mark	35	35	30	25	NA	10

## 7.04 **DREDGING**

### 1. **POLICIES**

#### A. **General**

- (1) **Coordination** - All proposals for dredging operations should be coordinated and consistent with plans, policies, guidelines and regulations of federal, state, and/or local agencies.
- (2) All dredging and spoil disposal operations should not:
  - a. adversely alter natural drainage patterns, currents, river and tidal flows.
  - b. interfere with or adversely affect water flows and capacities.
  - c. create conditions that would endanger public health and safety.
- (3) **Fill material** - The dredging of bottom materials for the single purpose of obtaining landfill material should be prohibited.
- (4) **Construction material** - The dredging of sand and gravel for the purpose of construction materials should be prohibited except for emergency shoreline stabilization and flood protection measures.
- (5) Review of proposals for dredging and spoil disposal should assess:
  - a. The value of the dredge and disposal site in their present state versus the proposed shoreline use to be created by dredging and/or disposal, expressed in short and long range economic, social, and environmental terms.
  - b. The value of the present site for other future potential public or private shoreline uses including but not necessarily limited to aquaculture, fish, shellfish, and wildlife research and resource preservation, commercial fishing, and recreation opportunities.
- (6) **Water quality** - All dredging and spoil disposal operations should comply with the water quality standards, guidelines, and regulations of federal, state, and local agencies.

- (7) **Quality of spoils** - Proposals for dredging and spoil disposal projects should include a thorough analysis by qualified personnel of the quality and characteristics of the material to be dredged.
- (8) **Public uses** - Proposals for dredging and spoil disposal projects should demonstrate that the operation will not be detrimental to the public interest and uses of the shoreline and water body.
- (9) **Maintenance and emergency dredging** - Although maintenance and/or emergency dredging of navigational channels and of materials for existing dike and levee repairs are not considered substantial developments and thus exempt from the shoreline permit procedure, the county, for the benefit of public interest and water body and shoreline users, should review DOE/Corps of Engineers notices of such activities to determine if:
  - a. The proposal is or is not exempt from permit procedures.
  - b. The project is suitably planned and that all potential impacts have been recognized and mitigated.
  - c. The project is consistent with the intent, policies and regulations of the Act and this program.

**B. Dredging**

(1) **Location**

Dredging should not occur in the following, except for beneficially public purposes consistent with this program:

- a. in estuaries, natural wetlands, and marshes.
- b. along net positive drift sectors and where geohydraulic processes are active and accretion shoreforms would be damaged or irretrievably lost.
- c. in shoreline areas and bottom soils that are prone to sluffing, refilling, and continual maintenance dredging.
- d. in officially designated fish, shellfish, and wildlife spawning, nesting, harvesting, and concentration areas as

defined by the Washington Marine Atlas (DNR) as amended, and other recognized official documents.

- e. where water quality would be irretrievably degraded below standards.
- f. where current and tidal activity are significant, requiring extensive maintenance dredging.

**(2) Technique**

- a. Dredging operations should utilize techniques that cause the least dispersal and broadcast of materials.
- b. In order to identify the controlling geohydraulic processes that are responsible for the dredging purposes, hydraulic monitoring studies should precede dredging activity.

**(3) Scheduling** - Dredging operations should be scheduled so as not to interfere with the migratory movements of anadromous fish.

**C. Spoils Disposal**

**(1) Location**

- a. Deposition of dredge spoils in water should be discouraged, except when alternatives of depositing material on land is more detrimental to shoreline resources and uses than depositing in water areas.
- b. Land spoils disposal should not be located upon, adversely affect, or diminish:
  - Estuaries, natural wetlands, and marshes.
  - Prime agricultural land.
  - Natural resources including but not necessarily limited to sand and gravel deposits, timber, or natural recreational beaches and waters.
  - Designated wildlife habitat and concentration areas.
  - Water quality, quantity, and drainage characteristics.

- Public access to publicly owned shorelines and water bodies.
- c. Polluted and soft spoils should be deposited in safe upland areas with measures taken to contain runoff and potential discharge to groundwaters and shoreline and water bodies.
- d. Upland disposal of nonpolluted dredge spoils should be made available to other users and beneficial purposes such as for recreational beaches, shore rehabilitation and enhancement, beach feeding, or construction materials.
- e. If alternatives for land disposal are not available or infeasible, water disposal sites should be identified and meet the following criteria:
  - the site is in an area protected from significant storms, tidal and submarine currents, stratification, and turbulence that would cause shifting and dispersal of the spoils.
  - the area is proven to be biologically, chemically, and physically degraded by past spoil depositing and other aquatically degrading activities; water quality will not be degraded further.
  - disposal will not interfere with geohydraulic processes.
  - The dredge spoils have been analyzed by qualified personnel and found to be minimal or nonpolluting.
  - spoil disposal will not impede water and tidal current flows or adversely affect floodwater flows and capacities.
  - aquatic and aquatic related life will not be adversely affected.
  - the site and method of disposal meet all requirements and qualifications of applicable

regulatory agencies and are designated with their cooperation.

(2) **Technique**

- a. Spoil disposal, if allowed in water; should utilize techniques that cause the least dispersal and broadcast of materials.
- b. Sidecast disposal and agitation dredging should be prohibited.

**D. Navigation Channels, Canals, and Basins**

- (1) Navigation channels and moorage and turning basins should be located and designed to minimize the need for initial and continual dredging and maintenance.
- (2) Moorage and turning basins should also meet the policies and regulations of "Marinas," Section 7.07 and other applicable chapters of this program.

**E. Impacts**

- (1) Review of proposed dredging and spoil disposal operations should adhere to applicable local, state, or federal environmental impact statement (EIS) procedures and guidelines.
- (2) Recognizing the diverse and variable impacts of dredging and spoil disposal on the aquatic and shoreline environment, then such operations should minimize and take measures to mitigate all impacts.

**2. REGULATIONS**

**A. Shoreline Areas**

(1) **Urban**

Dredging and spoil disposal are permitted subject to the General Regulations.

(2) **Rural Residential**

- 1. Dredging and spoil disposal are permitted subject to the General Regulations.

2. Dredge spoil disposal is permitted in designated spoils disposal areas within the Rural Residential Shoreline Area. Disposal areas shall be identified by the department until such time as they are identified in the Master Program.

**(3) Rural**

1. Dredging is permitted subject to the General Regulations.
2. Dredge spoil disposal is permitted in designated spoils disposal areas within the Rural Shoreline Area. Disposal areas shall be identified by the department until such time as they are identified in the Master Program.

**(4) Conservancy**

1. Dredging is permitted as a conditional use subject to the General Regulations. If such dredging is associated with a related land or shoreline use, the related use shall be consistent with the Act and this program.
2. Dredge spoil disposal is prohibited EXCEPT as an element of an approved shore restoration or beach enhancement plan.

**(5) Natural**

Dredging and dredge spoil disposal are prohibited in the Natural Shoreline Area.

**(6) Aquatic**

1. Dredging is permitted subject to the General Regulations and, if applicable, those of the landward Shoreline Area.
2. Dredge spoil disposal in the Aquatic Shoreline Area is permitted as a conditional use.

**B. General**

- (1) Shoreline permit/statement of exemption** - In order to assure that dredging and spoil disposal operations, including maintenance dredging, are consistent with this program as required by RCW

90.58.140 (1), no operation may commence without the responsible person or agency having obtained either a shoreline permit or statement of exemption from this department.

- (2) **Related Uses** - Dredging shall be allowed for those shoreline and water uses consistent with this Master Program and the Shoreline Management Act.
- (3) **Locations** - Dredging shall not occur in the following, except for maintenance work and for beneficially public purposes consistent with this program:
  - a. in estuaries, natural wetlands, and marshes.
  - b. along net positive drift sectors and where geohydraulic processes are active and accretion shoreforms would be damaged or irretrievably lost.
  - c. in shoreline areas and bottom soils that are prone to sluffing, refilling, and continual maintenance dredging.
  - d. in officially designated fish, shellfish, and wildlife spawning, nesting, harvesting, concentration areas as defined by the Washington Marine Atlas (DNR), as amended, and other recognized, official documents.
  - e. where water quality would be irretrievably degraded below state and federal standards.
  - f. where current and tidal activity are significant, requiring excessive maintenance dredging.
- (4) **Landfill material** - Dredging of bottom materials for the sole purpose of obtaining landfill material is prohibited.
- (5) **Spoil disposal sites** - Dredge spoil disposal shall occur at sites consistent with this Master Program and the Shoreline Management Act. Where applicable, the Skagit County Dredge Disposal Site Analysis Study shall serve as an advisory guide in selecting and determining the qualifications of disposal sites.

Proposals for spoil disposal must show that ultimate use of the site will be for a use permitted within the shoreline area.

(6) **Prohibited spoil locations** - Dredge spoil disposal is prohibited on lake shores and beds, in streamways, estuaries, natural wetlands and on marine accretion beaches EXCEPT as an element of an approved shore restoration or beach enhancement program.

(7) **Adverse effects** - Dredging and spoil disposal shall not adversely infringe upon existing and adjacent water and shoreline uses, properties and access.

(8) **Project information** - applications for shoreline dredging shall provide environmental assessment information to include at a minimum:

- a. Water quality analysis.
- b. Tidal fluctuation, current flows, direction, and degree of change.
- c. Physical, chemical, and biological analysis of material to be dredged, to include material composition, volume, and amount, organic materials, source of material, volatile solids, chemical oxygen demand (COD), grease and oil, mercury, lead, zinc, sulfite waste liquor (SWL), and biological organisms, both permanent and migratory/transitory.
- d. Dredging technique, frequency, and procedures.
- e. Physical and biological analysis of disposal site(s),
- f. Plan for disposal or use of maintenance dredge spoils for at least a 50 year period.

(9) **Land disposal requirements** - Land disposal sites shall adhere to the following conditions:

- a. Containment dikes shall be built and maintained so as to minimize escapement of spoils bearing discharge.
- b. An adequate settling basin shall be built and maintained so that the site's discharge water carries a minimum of suspended sediment.

- c. Normal drainage patterns shall not be adversely affected by the disposal operation and site.
- d. Removal of deposited spoil material for other uses shall utilize a single point of ingress and egress and shall maintain the containment dikes for the life of the project.
- e. Need and special consideration for landscaping and buffer areas shall be subject to department determination, review, and criteria on a case by case basis with guidelines provided by the county zoning ordinances.

## 7.05 FOREST MANAGEMENT PRACTICES

### 1. POLICIES

#### A. **General**

- (1) Encourage those forest management practices, including road construction, timber harvesting and debris disposal, which meet or exceed the provisions, standards, rules and regulations established and included under the Forest Practices Act of 1974, State Water Quality Standards for non-point discharges, Hydraulics Project Act and other, applicable laws, rules and regulations.
- (2) Those lands which have or could have forest production capabilities should be identified and protected for continued forest production and forest related uses.

#### B. **Shorelines of Statewide Significance**

- (1) Timber harvesting on shorelines of statewide significance should adhere to the limitation established in RCW 90.58.150 (1971).
- (2) In addition to the exceptions provided under the Act, allow harvesting of timber within shorelines of statewide significance when an act of nature has caused, or will cause, destruction of the timber in the immediate future.

#### C. **Water Quality**

Forest management practices should ensure that high water quality standards are maintained. Such practices should eliminate or alleviate potential water quality problems associated with forestry operations (i.e. chemical and thermal pollution, sedimentation and turbidity).

#### D. **Facilities**

Logging road and bridge design, location, construction, and maintenance should incorporate appropriate measures to eliminate or alleviate damage or adverse impact to the shoreline and associated aquatic environment.

#### E. **Slash and Debris**

- (1) The accumulation of slash and other debris in and along the aquatic shoreline area and floodway as a result of forest operations, should be removed concurrently with forest operations.
- (2) The burning of slash and debris should be done inland from Forest Practice Act Streamside Management Zones.

**F. Fertilizers and Pesticides**

Recognizing the potential damage and adverse impact to shoreline vegetation and wildlife, water quality, and aquatic life by improper use of fertilizers and pesticides, the rules and regulations of applicable regulatory agencies regarding the handling and application of fertilizers and pesticides should be strictly adhered to. In all cases of conflicting or variable regulations, the stricter will apply.

**G. Erosion Control**

For all aspects and phases of forest operations, appropriate measures should be taken to prevent and control runoff and erosion from all areas of operation.

**H. Revegetation and Reforestation**

- (1) To prevent or retard soil erosion and runoff and various forms of mass movement from critical slope areas disturbed by forest operations, proper techniques of seeding, mulching, matting, and/or replanting should be utilized. The replanted vegetation should be perennial, compatible, and in concentration to accomplish proper soil and slope stabilization objectives. Also, see I. "Streamside Management Zones" this section.
- (2) Forest harvest operations should be followed up by reforestation to maintain a sustained yield resource base.

**I. Streamside Management Zones**

Streamside Management Zones, where needed and required, should be maintained to protect the shoreline and aquatic resource as prescribed by applicable Forest Practice Act regulations.

**J. Scenic Resources**

Forest operations and harvest practices should minimize adverse impacts on scenic views and viewpoints of, to, and from Skagit County shorelines. Those areas providing a diversity of views, unique landscape contrasts and panoramas, and recreational resources within forest operation areas should be identified and maintained where possible.

## 2. **REGULATIONS**

### A. **Shoreline Area**

#### (1) **Urban**

Forest management practices are permitted subject to the General Regulations EXCEPT clear cutting of timber unless incidental to the preparation of land for reforestation and for other uses consistent with this program.

#### (2) **Rural Residential**

Forest management practices are permitted subject to the General Regulations.

#### (3) **Rural**

Forest management practices are permitted subject to the General Regulations.

#### (4) **Conservancy**

Forest management practices are permitted subject to the General Regulations.

#### (5) **Natural**

Forest practices are permitted only where it is necessary to:

- a. control a fire or halt an epidemic of insects or disease which threatens material damage to adjacent timber stands; provided that a statement of exemption or shoreline permit be obtained prior to commencing suppression of damaging insects or diseases; or
- b. as soon as possible, clean up and restore to natural vegetative growth an area devastated by fire, disease, or insect attack; or

- c. maintain or restore a desired state of natural plant succession.
- d. No roads shall be constructed except those absolutely necessary to cope with the above emergency situations. Such roads shall be of a temporary nature and shall be restored as part of restoration practices as required in (b) above.
- e. Roads which are an integral part of a forest road system for which alternative locations are proven infeasible and which are necessary to provide access to adjacent lands or shorelines for uses consistent with this program shall be allowed upon review and approval by the Administrator.

**(6) Aquatic**

Forest management practices are prohibited EXCEPT for the crossing of streamways with bridges or other structures for which a Hydraulics Approval is required and obtained.

**B. General**

- (1) **Shorelines of Statewide Significance** - RCW 90.58.150 stipulates that with respect to timber situated within 200 feet abutting landward of the ordinary high water mark of such shorelines, only selective commercial timber cutting shall be permitted, so that no more than 30 percent of the merchantable trees may be harvested in any ten year period; provided, that other timber harvesting methods may be permitted in those limited instances where topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental; provided further, that clear cutting of timber which is solely incidental to preparation of land for other uses authorized by the Act may be permitted.
- (2) **All shorelines** - Forest management practices on all shorelines shall comply with the 1974 Forest Practices Act, RCW 76.09, all

regulations adopted pursuant thereto by the State Forest Practices Board, WAC 222, or any subsequent forest practices legislation, if any, and the applicable Shoreline Area regulations.

- (3) All road construction in shoreline areas shall be accomplished according to the requirements of RCW 76.09, Forest Practices Act.

## 7.06 LANDFILLS

### 1. POLICIES

#### A. General

##### (1) Purpose

- a. Landfills, if allowed on shorelines, should be for the purpose of facilitating water and shoreline dependent and related uses.
- b. Landfill proposals should demonstrate a reasonable need and consistency with the Shoreline Management Act and this program.

##### (2) All landfills should not:

- a. adversely alter natural drainage patterns, currents, river and tidal flows.
- b. interfere with or adversely affect floodwater flows and capacities.
- c. create conditions that would endanger public health and safety.

(3) Review of proposals for landfills should assess the overall value of the landfill site in its present state versus the proposed shoreline use to be created and other future potential public or private shoreline uses, expressed in short and long range economic, social and environmental terms. Such potential uses include but are not necessarily limited to agriculture, aquaculture, fish, shellfish, and wildlife research and resource preservation, commercial fishing, and recreation opportunities.

(4) Public uses - Proposals for landfills should demonstrate that the operation will not be detrimental to the public interest and uses of the shoreline and water body.

(5) Public Access - Landfills and their uses, if allowed on shorelines, should enhance public access to the shoreline and water body.

##### (6) Water Quality

All landfill projects should comply with the water quality standards, guidelines, and regulations of applicable regulatory agencies.

(7) **Landfill material**

- a. All materials used for landfill projects should not cause present or future degradation of ground and surface water quality and shoreline areas.
- b. Dredge spoils that have been determined to be polluted and sanitary landfill materials should be prohibited as a source of landfill material.

(8) **Natural Resources, Processes, and Other Uses** - Landfills, if allowed on shorelines, 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 migratory routes, spawning, nesting, harvesting, and habitat areas.
- d. Geohydraulic processes and shoreforms.
- e. Public access to publicly owned shorelines and water bodies.

**B. Location**

(1) **Landfills should not locate:**

- a. in prime agricultural land.
- b. in estuaries, natural wetlands, and marshes.
- c. along net positive drift sectors, where geohydraulic processes are active, and where accretion shoreforms would be damaged or irretrievably lost.
- d. where extensive shore defense or stabilization works would be necessary.
- e. below the ordinary high water mark.

- f. where they would fill marine and river indentation features such as eddies, pools, and aeration drops that provide proven biologically productive aquatic habitats.

**C. Design and Construction**

- (1) Landfills should be designed no larger than necessary for the proposed use.
- (2) Landfills should be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.
- (3) **Drainage and floodwaters** - All landfills, if allowed on shorelines, should be designed so as not to adversely affect or interfere with the flow of surface, subsurface, and floodwaters. Landfill proposals should take mitigating measures to minimize effects to drainage and floodwaters.
- (4) **Maintenance** - All shoreline areas disturbed by landfill construction and associated activities should be replanted and stabilized with compatible, self-sustaining vegetation.

**D. Impacts**

- (1) Review of proposed landfills should be accomplished concurrently with review of the intended land use and, at that time, the findings of significance of environmental impact should be determined.
- (2) Landfills and their associated uses and activities should minimize and mitigate adverse impacts to the shoreline and aquatic environment and to adjacent and nearby land and water uses.

**2. REGULATIONS**

**A. Shoreline Areas**

- (1) **Urban**  
Landfills are permitted subject to the General Regulations.
- (2) **Rural Residential**  
Landfills are permitted as a conditional use.
- (3) **Rural**

Landfills are permitted subject to the General Regulations.

**(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.

**(5) Natural**

Landfills are prohibited, EXCEPT for approved beach restoration or enhancement programs consistent with this program.

**(6) Aquatic**

Landfills are prohibited, EXCEPT as a conditional use for approved water and shoreline dependent developments that are consistent with this program.

**B. General**

**(1) Related uses** - Landfills shall be permitted only for the purpose of facilitating water and shoreline dependent or related uses consistent with this program.

**(2) Landfills are not permitted:**

a. below the ordinary high water mark (OHWM) of all shoreline areas EXCEPT as a conditional use for approved water and shoreline developments that are consistent with this program.

b. on marine, river, or lake accretion beaches, EXCEPT for approved beach restoration or enhancement programs.

c. in estuaries and their natural wetlands.

d. in floodways where flood capacity, flow, and direction would be adversely affected.

**(3) Proposals for landfills shall include the following:**

a. proposed use of the landfill area.

- b. physical, chemical, and biological characteristics of the fill material.
- c. source of landfill material.
- d. method of placement and compaction.
- e. location of landfill relative to natural or existing drainage patterns.
- f. location of perimeter relative to the OHWM.
- g. perimeter erosion control or stabilization means.
- h. type of surfacing and runoff control devices.

(4) **Landfill materials**

- a. Solid waste, polluted dredge spoils, wood, plasterboard, or other materials that may degrade surface and groundwater quality and the shoreline area are prohibited as landfill material.
- b. Landfills utilizing masonry materials and/or concrete asphalt, or brick rubble shall require an adequate cover of soil or topsoil stabilized with compatible, self-sustaining vegetation. Rock, gravel, or sand are preferred landfill materials.

(5) **Erosion control** - Landfills shall be designed, constructed, and maintained to prevent, minimize, or control all material movement, erosion, and sedimentation from the affected area.

(6) **Piling, pier supports** - Pile or pier supported structures essential for shoreline dependent or related uses shall be preferred over landfills.

(7) **Road development** - Landfills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible. Upgrading of existing roads are exempt from this requirement.

## 7.07 MARINAS AND LAUNCH RAMPS

### 1. POLICIES

#### A. **General**

- (1) **Geohydraulics** - recognizing that erosion, littoral drift, and accretion are primary and inseparable components of the dynamic geohydraulic process that has created much of the unique and scenic shorelines of this county and Puget Sound and that marinas and launch ramps may interfere with this process, then such facilities should be located, designed, and maintained to protect the integrity of these natural shore resources.
- (2) **Siting Requirements**
  - a. Existing facilities - Expansion of existing marinas should be encouraged over the addition of new marina sites.
  - b. Potential, ideal sites for marinas and launch ramps should be identified, evaluated, and reserved to avert development by other uses having less critical shoreline locational requirements.
- (3) **Multiple Use** - Proposed marinas should provide for as many compatible shoreline dependent recreational uses as possible according to the size and extent of the facilities.
- (4) **Public Access**
  - a. Privately funded marinas should be encouraged to make available public access opportunities, for a nominal fee if necessary, providing such access will not endanger public health and safety or impose an economic or physical liability to the owner.
  - b. Marina facilities, funded in any way by public monies, should make available ample public access opportunities.
- (5) **Accessory Uses** - Accessory uses at marinas should be limited to those uses that are shoreline dependent and of necessity to marina operation, and those that provide public access for free or at

nominal cost. Such uses should be consistent with county comprehensive plans and zoning regulations.

- (6) **Conflicting Uses** - Marinas and launch ramps, their operations and associated activities should take appropriate measures to mitigate conflicts with existing shoreline and water uses.
- (7) **Preferred Use** - Marinas and launch ramps are preferred over the development of individual docking facilities for private noncommercial pleasure craft.
- (8) **Transportation Access** - During marina proposal review, consideration should be given to land and water transportation ingress and egress characteristics.
- (9) Marinas and launch ramps should be located, designed, constructed, and maintained in accordance with the guidelines, policies, and regulations of applicable local, state, and federal agencies.

**B. Location - General**

- (1) Marinas and launch ramps should be located to minimize the need for continual dredging, spoil disposal, filling, beach feeding, and other river, lake, harbor, and channel maintenance activities.
- (2) **Hazardous Areas** - Marinas and launch ramps and their equipment, structures, and craft, should be located, designed, and maintained to avoid, or if necessary, withstand 100 year frequency flooding, storm tides or surges, and winds without becoming hazards and without the placement of massive structural defense works.
- (3) **Resources and other uses** - Marinas and launch ramps should not be located where they would adversely affect or diminish:
  - a. Prime agricultural land.
  - b. Natural resources such as sand and gravel deposits, timber, or recreational beaches.
  - c. Shellfish and aquacultural resource areas.

- d. Fish and wildlife habitats and migratory routes.
- e. Commercial fishing and navigational areas.

(4) **Mixing and Flushing Waters** - Marinas and launch ramps should be located in areas where there is adequate mixing and flushing of waters and should be designed so as not to retard or negatively influence flushing characteristics.

**C. Location**

(1) **Marine Shores**

- a. In order to minimize interference with and disruption of shoreline resources that are the result of active and continual geohydraulic processes and of scarce, valuable biologically productive shoreline areas, marinas and launch ramps should not locate at or along:
  - Net positive littoral drift sectors, including resource material areas, such as feeder bluffs, and accretion beaches, points, spits, and hooks.
  - Natural wetlands, tidelands, lagoons, and backshore marshes.
  - Estuaries
  - Fish and shellfish spawning and rearing areas.
  - Poorly flushing lagoons and backwaters.
- b. Marinas and launch ramps should locate in areas that are relatively protected from wind, wave, and storm activity and should minimize the need for shore defense works.
- c. Foreshore marinas and launch ramps may be located on or along low energy drift sectors (net negative drift) if the proposal is otherwise consistent with this program. Also, see "a" above.
- d. Backshore marinas and launch ramps may be located behind closed accretion beaches, points or low energy driftways if the proposal is otherwise consistent with this

program. Also see "a" above. Connecting channels and their jetties should be located outside of littoral driftways.

**(2) Lake Shores**

- a. Marinas and launch ramps should be located to minimize or eliminate the need for dredging and shore or bottom maintenance. For marinas, deep water areas are preferred and for launch ramps, stable, low gradient shores.
- b. Recognizing the value and limited number of lake beaches for public or quasi-public swimming and recreation, then marinas and launch ramps should not locate on these resources.

**(3) River Shores**

- a. Marinas should not locate along braided or meandering river channels, where the channel is subject to change in direction or alignment, where extensive dredging is required, or on point bars and other accretion beaches.
- b. Foreshore marinas should locate along relatively straight, deep, or stable river reaches where shoreline stabilization works will not be necessary.
- c. In review of backshore river marinas, serious consideration should be given to natural resource displacement or disruption. Backshore marinas should not require extensive shoreline stabilization works.
- d. Launch ramps should be located on or along stable, non-eroding banks and where current deflectors and stabilization structures will not be needed.
- e. River marinas and launch ramps should be located so as not to adversely affect flood channel capacity.

**D. Design**

- (1) The type or form of marina design preferred, i.e. backshore versus foreshore, will be determined upon submission of an initial site

proposal. During review of the proposal, the following factors should be utilized to determine the appropriate design:

- a. Existing natural shoreline and backshore features and uses.
- b. Geohydraulic processes and flushing characteristics.
- c. Biological resources and habitats for the backshore, foreshore, and aquatic environments.
- d. Area of surface waters appropriated.
- e. Site, orientation; exposure to wind, waves, flooding, or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary.
- f. Impact upon existing shoreline and water uses including public access and uses.

(2) Marina design should minimize visual and aesthetic impact and conflicts with existing shoreline features and uses.

(3) **Launch ramps**

- a. In order that launch ramps do not interrupt geohydraulic processes, they should be constructed flush with the foreshore slope.
- b. Ramps built on changing beach forms should be constructed in a flexible manner.

**E. Transportation and Utilities for Marinas**

(1) Land transportation and utilities associated with marinas and launch ramps should follow the policies and regulations provided under "Utilities," Section 7.18 and "Transportation Facilities," Section 7.17, unless otherwise noted in this chapter.

(2) Marinas and launch ramps should, where possible, utilize existing transportation and utility corridors.

(3) Parking and shuttle areas should be sized and designed to adequately meet the marine or launch ramp activity rate and the site carrying capacity.

- (4) Parking, dry moorage, and other storage areas should be located away from beaches and backshores that have a higher value for a less land consumptive activity or developmental use.
- (5) Marinas should provide ample parking spaces which should be located in inland areas.

**F. Water Quality**

Marina construction, operation, and practices should protect the quality of all surface and ground waters and should adhere to the guidelines, policies, standards, and regulations of water quality management programs and appropriate regulatory agencies.

**G. Impacts**

- (1) Review of proposed marinas should adhere to applicable local state, or federal environmental impact statement procedures and guidelines.
- (2) Marinas and their accessory uses should minimize impacts to the shoreline and aquatic environment and to adjacent and nearby land and water uses and should be aesthetically compatible with and enhance the affected area.

**2. REGULATIONS**

**A. Shoreline Areas**

**(1) Urban**

Marinas and boat launch ramps are permitted subject to the General and Tabular Regulations.

**(2) Rural Residential**

- a. Marinas are permitted as a conditional use subject to the General and Tabular Regulations.
- b. Boat launch ramps are permitted subject to the General and Tabular Regulations.
- c. Watercraft construction and major repair facilities are prohibited unless as part of a marina (“a” above).

**(3) Rural**

Marinas and boat launch ramps are permitted subject to the General and Tabular Regulations.

**(4) Conservancy**

- a. Marinas are prohibited.
- b. Boat launch ramps are permitted subject to the General and Tabular Regulations.

**(5) Natural**

Marinas and boat launch ramps are prohibited, EXCEPT for the hand launching of small watercraft.

**(6) Aquatic**

- a. Marinas and boat launch ramps are permitted only where consistent with the upland shoreline area designation.
- b. No buildings shall be allowed over water, EXCEPT for the percentage of covered moorage structures allowed by Table M.

**B. General**

**(1) Location and design** - Marinas and boat launch ramps shall adhere to the location and design policies, this Chapter, 1. B, C, and D.

**(2) Landfill and piling**

- a. Landfills shall be permitted subject to the policies and regulations for LANDFILLS, Section 7.06.
- b. Piling shall be preferred to elevate or support marina structures rather than solid fill.

**(3) Related activities**

- a. Activities associated with marina and launch ramp development and use shall adhere to the policies and regulations of the appropriate chapter of this program.
- b. Density - The number or percent of allowable covered wet moorages shall be determined on a case by case basis, utilizing such factors as: the type and purpose of the marina

(commercial or pleasure craft or both), the upland shoreline designation, the shoreline and water characteristics, uses and properties, and potential view/aesthetic impact on adjacent uses and properties.

(4) **Covered moorage** - All covered moorages shall be consistent and compatible in design, color, length, and height; and shall be constructed in contiguous groups or modules.

(5) **Accessory uses**

a. The following uses may be permitted as necessary in conformance with the Tabular Regulations:

1. Sale of boats, boating supplies and repair parts.
2. Sale of sport and commercial fishing gear, supplies, and grocery items, not to include supermarkets.
3. Boat fueling stations.
4. Boat rentals and charter operations.
5. Shoreline dependent outdoor recreation areas and uses.
6. Marina dependent administration facilities.
7. Dry land storage areas for private and commercial watercraft, not to include dry land storage buildings.

b. The following uses shall apply for a separate shoreline permit if not a part of the original marina proposal:

1. Restaurants, cafes, taverns, or cocktail lounges.
2. Commercial fishing gear repair and storage.
3. Commercial watercraft repair.
4. Tourist and user accommodations and services including but not limited to motels, boatels, laundromats.

(6) **Parking and Access**

a. Over the water parking facilities are prohibited.

- b. Launch ramps and vehicle/boat trailer parking facilities shall be located and designed to minimize circulation and access conflicts.
- c. Collector roads between marinas/launch ramps and arterial routes shall meet County Engineer standards in regard to width, alignment, sight distances, grade, and intersection controls.

(7) **Waste disposal**

- a. Marinas shall provide pumpout and adequate storage facilities for sewage. New marinas and expansion of existing facilities shall adhere to sewage disposal regulations of appropriate state and federal agencies.
- b. Marinas shall discharge sewage wastes to a sewage treatment facility where feasible.
- c. Discharge or disposal of sewage, solid waste, fuels and oil, scrapfish, viscera, unused bait, and fish or shellfish cleaning wastes into a marina water is prohibited.
- d. Marinas shall post all regulations pertaining to all forms of waste disposal in conspicuous places for marina users.

(8) **Oil and fuel handling** - Marinas shall make adequate provisions to prevent fuel and oil spillage during handling and storage. Provisions shall be made to contain and clean up any accidental spills or discharges that do occur.

(9) **Utilities** - All pipes, plumbing, wires, and cables at a marine site shall be placed at or below ground and dock levels.

(10) **Signs** - All signs shall adhere to the policies and regulations for "Outdoor Advertising," Section 7.09, EXCEPT that a marina or launch ramp facility shall utilize no more than one sign, such sign not exceeding 15 feet in total height. Signs or fueling facilities shall not exceed 15 feet in total height.

- (11) **Landscape** plans shall be submitted with the application for a shoreline substantial development permit
- (12) **Surfacing and drainage** - Impervious surfacing shall be minimized to the extent possible; and, all surface and storm water drainage and discharge shall be controlled to minimize pollutant loads and peak charges to water bodies.
- (13) **Live aboards** - Marinas are permitted to allow only temporary residence aboard moored watercraft.

**C. Tabular Regulations**

Table M establishes:

- (1) **Shore setbacks** - (in feet) from the OHWM for:
  - a. Shoreline dependent buildings and permitted accessory uses (See General Regulations 5.a.)
  - b. Related and other accessory uses - dry storage, parking lots, nonshoreline dependent or related commercial enterprises, etc.
- (2) **Side yard setbacks** (in feet) from side property lines for all marina uses.
- (3) **Height limits** (in feet) as measured from the average elevation occupied by the structure for structures within (a) 100 feet and (b) 101 to 200 feet of the OHWM.
- (4) **Site coverage** - Maximum percentage of the shoreline area that may be developed or covered by structures, roads, parking, dry storage, and primary uses.

**TABLE M – TABULAR SHORELINE AREA REGULATIONS**

**MARINAS AND BOAT LAUNCH RAMPS**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. Shore Setbacks (in feet) from the OHWM:						
a. Shoreline dependent buildings and accessory uses.	50 ft.	50	100	200	NA	NA
b. Related and other accessory uses.	100	100	200	200	NA	NA
2. Side Yard Setbacks (in feet)	20	30	50	NA	NA	NA
3. Height Limits (in feet):						
a. 1-100 feet from OHWM	15	15	15	NA	NA	15
b. 101-200 feet from OHWM	35	25	25	NA	NA	
4. Site Coverage	70%	60%	50%	NA	NA	NA

## 7.08 MINING

### 1. POLICIES

#### A. **General**

- (1) Recognizing that minerals, especially sand, gravel, and quarry rocks, are in demand yet relatively limited in quality and quantity and that shorelines are also a valuable and limited resource where mining has irreversible impacts, mining activities, therefore, should be encouraged primarily in other than shoreline areas.
- (2) Mineral extraction activities along shorelines that would disrupt or permanently alter or remove prime agricultural lands and associated activities should be prohibited.
- (3) Mining activities should not substantially interfere or disrupt normal geohydraulic processes, channel form and alignment, and meandering patterns of adjacent and nearby water bodies and associated marshes and wetlands.
- (4) Mining activities should take all appropriate measures to neither interfere with nor disrupt the anadromous fisheries resources of Skagit County waters.
- (5) Placer or hydraulic mining operations should be prohibited in all areas of Shoreline Management Act jurisdiction.

#### B. **Accessory Uses**

Accessory equipment and materials essential to mining operations in shoreline areas should be, if at all feasible, stored or sited as far landward from the ordinary high water mark.

#### C. **Marine and Lake Shorelines**

Recognizing the limited quantity and quality of natural marine and lake shores, especially accretion beach forms, and recognizing the increasing demand for other uses of these shorelines and the existence of alternative mineral sources, then mining of these shores should not be permitted.

#### D. **Rivers and Streams**

- (1) Surface mining of river and stream point bars for sand and gravel should be permitted providing there is annual accretion and replacement of the mineral material.
- (2) Surface mining of river and stream point bars should be permitted providing the operation will not substantially impact normal geohydraulic processes, channel form and alignment, rivers meandering patterns, fish resources, water quality, and the shoreline environment.

**E. Water Quality**

- (1) Mining operations and practices should adhere to the water quality guidelines, policies, standards, and regulations of water quality management programs and appropriate regulatory agencies.
- (2) Mining operations and practices in shoreline areas should protect all water bodies from all sources of existing and potential sources of pollution. These sources include but are not necessarily limited to erosion and subsequent sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of mine wastes and spoils.

**F. Hazardous and Sensitive Areas**

- (1) The sensitivity of flood prone and floodplain areas should be carefully considered during review of proposed mining operations.
- (2) All equipment, works and structures of mining operations should be able to withstand flooding without becoming hazards in themselves and without the placement of structural defense works.
- (3) Mining operations, if allowed on shorelines, should occur in areas other than those of high environmental, cultural, recreational, or historical value.

**G. Shoreline Setback and Buffer**

Mining operations, other than extraction of river point-bar material, should be set back a sufficient distance from water bodies and associated wetlands to utilize natural vegetation and topography, if adequate, for

retarding or preventing erosion, protecting water quality from all possible sources of pollution, and preserving the natural values and aesthetics of the shoreline environment.

**H. Overburden and Spoil Material**

Overburden and spoil material should be handled and placed in a manner which will not destroy their potential reusable value and the value of the disposal site and will also prevent erosion, sedimentation, or leaching of material and hazardous substances into surface or ground waters.

**I. Reclamation**

(1) Mining operations on shoreline should provide plans for and restore all disturbed areas to a biologically productive or useful condition to meet, at a minimum, the standards of the 1971 Surface Mining Act, RCW 78.44, administered by the Department of Natural Resources, and of appropriate regulatory agencies.

(2) Reclamation plans should ensure compatibility between the proposed site reclamation and existing land, shoreline, and water uses.

**J. Use Conflicts and Impacts**

(1) Mining operations should take appropriate measures or controls, i.e. setbacks, buffers, to avoid or minimize hazardous conditions, use conflicts, and impacts to other shoreline and water users.

(2) Mining activities, their siting, operations, and reclamation, should avoid or minimize visual and aesthetic impacts to the adjacent and nearby shoreline and water environment.

**2. REGULATIONS**

**A. Shoreline Areas**

**(1) Urban**

a. Mining is a conditional use.

b. All phases and activities of mining operations shall be carried out so as to constitute neither a nuisance nor

adversely affect adjacent shorelines, properties, and structures.

(2) **Rural Residential**

- a. Mining is a conditional use.
- b. All phases and activities of mining operations shall be carried out so as to constitute neither a nuisance nor adversely affect adjacent shorelines, properties and structures.
- c. Reduction, treatment, and processing of mineral materials is prohibited.

(3) **Rural**

Mining is a conditional use.

(4) **Conservancy**

- a. Mining is a conditional use.
- b. Reduction, treatment, and processing of mined materials is prohibited.
- c. All screening, buffering, and erosion control measures shall utilize natural vegetation and materials.
- d. All phases and activities of mining operations shall be carried out so as to constitute neither a nuisance nor adversely affect adjacent shorelines, properties and structures.

(5) **Natural**

Mining is prohibited.

(6) **Aquatic**

Mining is prohibited EXCEPT for the mining of sand or gravel from river bars subject to the General and Tabular Regulations.

**B. General**

- (1) **Special Use Permit** - All forms of mineral extraction shall require application for and fulfillment of a special use permit as required

by the Skagit County Zoning Ordinance, Chapter 14.04 of the Skagit County Code as amended.

- (2) **Marine and lake shores** - The mining of sand, gravel, and cobbles from any marine or lake shore below extreme high water for manufacturing, construction, commercial, or industrial purposes is prohibited.
- (3) **Rivers and streams** - The mining or scalping of sand and gravel from river bars is permitted, PROVIDED that the material will predictably be replaced by natural processes during the subsequent flood season, and PROVIDED that a Hydraulics Approval (RCW 75.20.100) be obtained from either the Department of Fisheries or Game.
- (4) **Floodplains**
  - a. A Flood Control Zone Permit shall be obtained as required by RCW 86.16.
  - b. All equipment, works, and structures of mining operations shall be able to withstand flooding without becoming hazards in themselves and without the placement of permanent structural defense works.
- (5) **Noncommercial mining** - The noncommercial mining or extraction of all mineral materials is prohibited on all shorelines.
- (6) **Minerals** - The proposed mining site shall contain minerals or materials of a commercial quantity and quality as verified by qualified persons or a licensed mining engineer.
- (7) **Placer or hydraulic mining** is prohibited in all waters and shorelines of Skagit County.
- (8) **Permit applications** - Proposals for all forms of mining shall provide the following information concurrently with the Skagit County Application for Shorelines Management Substantial Development Permit:
  - a. Materials to be mined.

- b. Quantity of materials to be mined, by type.
  - c. Quality of materials to be mined, by type. For certain minerals, a qualified geologist's evaluation may be required.
  - d. Mining technique and equipment to be utilized.
  - e. Amount of material to be mined.
  - f. Depth of overburden.
  - g. Total mineral deposit: lateral extent and depth.
  - h. Proposed depth of mining.
  - i. Cross section diagrams indicating present and proposed elevations and/or extraction levels.
  - j. Existing drainage patterns, seasonal or continuous, and proposed alterations thereof.
  - k. Proposed means of controlling/handling surface runoff and preventing or minimizing erosion and sedimentation.
  - l. Subsurface water resources, aquifer recharge areas: origin, depth, and extent.
  - m. Quality analysis of overburden, excavation material and tailings with plans for storage, usage, or disposition.
  - n. Mining plan and scheduling, including seasonal, phasing, and daily operation schedules.
  - o. Reclamation plan that meets the requirements of this chapter and, at a minimum, RCW 78.44 for surface mining operations (only).
  - p. Screening, buffer, and/or fencing plans that meet the requirements of this chapter.
- (9) **Public access** - Public access to publicly owned shorelines and water bodies shall not be impaired by mining operations.
- (10) **Related activities** - Reduction, treatment, and processing activities or the use of mined materials for onsite manufacturing purposes

shall adhere to the policies and regulations of "Ports and Water Related Industry," Chapter 7.

- (11) **Erosion control** - Mining operation shall utilize effective techniques for preventing or minimizing adverse surface runoff, erosion, and sediment generation. Overburden, mining debris, and tailings shall be stored and protected in such a manner so as to prevent or minimize erosion or seepage to surface and ground waters. All preventative techniques shall be adequately maintained throughout mining and reclamation operations.
- (12) **Earth stability** - In no case shall mining operations impair lateral support or cause earth movements or erosion to extend beyond property lines or to adversely affect the shoreline and water environment.
- (13) **Standing water** - Stagnant or standing water, especially those of a toxic or noxious nature, shall not be permitted to develop.
- (14) **Screening and buffers**
  - a. Mining operations adjacent to developed residential property, public parks, public shorelines and accesses, and along streams and lakes shall provide a view obscuring screen in conformance with Table M (Tabular Regulations) and composed of compatible, native, self-sustaining vegetation. Such screening shall be maintained in good, effective condition at all times.
  - b. Mining operations in marine shoreline areas shall utilize screening and buffering of a design to be determined during proposal review.
  - c. Screening and buffer vegetation shall be planted at the time of excavation or as soon thereafter as possible so as to be established within one year of commencement of operation.

- d. If vegetative screening is not possible, the Planning Department may require artificial screening or fencing to suit the site, operations and shoreline area.
- (15) **Temporary discontinuance** - Temporary discontinuance of operations for not more than six months due to economic, climatic, or other reasonable conditions shall not be cause for removal of equipment and structure.
- (16) **Reclamation feasibility** - A site shall be considered unsuitable for mining if the materials, overburden, and site conditions are similar to existing sites in the county or region where all feasible reclamation procedures could not be adequately accomplished. Reclamation procedures shall be those stated in No. 17 below.
- (17) **Land Reclamation** - In order to ensure the future use and viability of shoreline areas subsequent to mining activities, the following provisions covering land reclamation and utilization shall be adhered to and fulfilled within one (1) year of completed mining operations:
- a. All equipment, machinery, buildings, and structures not involved in reclamation activities shall be removed from the site. All equipment utilized for reclamation shall be removed from the site upon review and approval of the reclamation by state and local agencies.
  - b. No stagnant or standing water shall be allowed to collect or remain except as provided in an approved site reclamation plan.
  - c. Backfill material shall be of natural, compatible materials. Combustible, flammable, noxious, toxic, or solid waste materials are not permitted as backfill.
  - d. All overburden, waste, and nontoxic material storage piles and areas shall either be leveled, sodded, and planted or

returned to the excavated area for reuse as backfill and subsequently sodded and planted.

- e. The site shall be rehabilitated so as to prevent current (during reclamation) and future erosion and sedimentation.
- f. Suitable drainage systems approved by the County Engineer shall be installed and maintained if natural, gradual drainage is not possible. Such systems should collect, treat, and release surface runoff so as to prevent erosion and sedimentation.
- g. Topography of the site shall be restored to the approximate prior contours or to contours compatible with the surrounding land and shoreline area.
- h. All banks, slopes, and excavated areas for surface mined unconsolidated materials shall be sloped to no steeper than 2½ feet horizontal to 1 foot vertical. All slopes shall be sodded or surfaced with appropriate soil to at least the depth of the surrounding, undisturbed soil and subsequently revegetated.
- i. All banks, slopes, and excavated areas of mined consolidated material shall be sloped to no steeper than one foot horizontal to one foot vertical.
- j. Slopes of quarry walls shall have no prescribed slope unless a hazardous condition is created whereby the quarry shall be backfilled and sloped according to the above.
- k. Revegetative practices shall utilize compatible, self-sustaining trees, shrubs, legumes, or grasses.
- l. All toxic and acid forming mining refuse and materials shall be either treated to be nonpolluting prior to onsite disposal or removed and disposed of away from shoreline areas.

- (18) **Simultaneous reclamation and operations** - The amount of land and shoreline area being excavated at any time without simultaneous reclamation being undertaken may be set by the Planning Department, PROVIDED that no more than ten (10) acres lie disturbed, unused, and unreclaimed.
- (19) **Underground mining operations** - Underground operations shall not be left in a condition so as to be or become hazardous to public health and safety.
- (20) **Stockpiles and tailings** - Stockpiles and tailings shall not exceed the height, slope and moisture content limits determined by local and state agencies, nor shall such stockpiles or tailings be so located as to threaten adjacent slopes or properties.
- (21) **Water quality and quantity** - Mining operations shall observe and comply with all local, state, and federal water quality standards and pollution control laws. Operations also shall:
- a. Prevent pollution of and reduction of natural flows.
  - b. Impound runoff as necessary to prevent accelerated runoff and erosion.
  - c. Protect all shoreline areas from acidic or toxic materials.
  - d. Not disturb natural drain courses of all streams.
- (22) **Operation review** - Should substantial evidence indicate that the continuance of mining operations would cause degradation or adverse effects to the shoreline and water environment, the operation's permit shall be reviewed by the Planning Department to determine if additional or modified conditions should be attached or if the permit should be terminated.
- (23) **Existing operations** - Mining operations in existence prior to final adoption of this Master Program are exempt from the provisions of this chapter EXCEPT if operations are expanded or significantly modified in shoreline areas as determined by the Planning Department.

(24) **Water access** - Mining operations requiring access to water for transportation of materials shall meet requirements to be established under the conditional use procedure.

**C. Tabular Regulations**

Table M establishes:

1. **Shore setbacks** (in feet) from the ordinary high water mark (OHWM) for total mining operations.
2. **Shore setbacks** (in feet) from the OHWM for buildings and structures accessory to mining operations.
3. **Minimum width** - of screening and buffer areas along shorelines and between operations and adjacent properties.

**TABLE M - TABULAR SHORELINE AREA REGULATION - MINING**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. Shore setbacks (in feet) for operations from OHWM.	20	50	75	100	NA	NA
2. Shore setbacks (in feet) for buildings, structures from OHWM.	50	75	100	150	NA	NA
3. Width of buffer (in feet) along shorelines and between operations and adjacent properties.	20	20	50	75	NA	NA

## **7.09 OUTDOOR ADVERTISING AND SIGNS**

### **1. POLICIES**

#### **A. Off-Premise Signs**

Off-premise advertising signs should be prohibited in all shoreline areas. Exceptions: Official signs, if placed for the general welfare, safety, and benefit of the public and located and designed in such a manner as to not adversely impact the shoreline and water environment, should be allowed in lower intensity land use areas.

#### **B. Location**

- (1) Outdoor advertising should not be permitted to create visual impacts and obstructions of, to and from shoreline areas and water bodies.
- (2) In order to minimize visual impacts and obstructions of and to shoreline areas and water bodies, outdoor advertising should be located on premises and/or on existing buildings.

#### **C. Design**

- (1) Where outdoor advertising is permitted in shoreline areas, this program should establish standards for size, height, density, illumination, and other factors to ensure compatibility with the existing shoreline and water environment and adjacent and surrounding land and water uses.
- (2) Where outdoor advertising is permitted in shoreline areas, this program encourages the use of single, multipurpose directional and informational signboards as an alternative to scattered off-premise advertising.

#### **D. Abandoned Outdoor Advertising**

Any person or persons who owns or leases outdoor advertising located in shoreline areas, whose function or business has ceased in Skagit County should remove such advertising.

#### **E. Non-conforming Use**

Any outdoor advertising within shoreline areas that does not meet the policies and regulations of this Master Program should be removed within a reasonable period of time.

## 2. **REGULATIONS**

### A. **Shoreline Areas**

#### (1) **Urban**

Outdoor advertising is permitted subject to the General and Tabular regulations.

#### (2) **Rural Residential**

Outdoor advertising is permitted subject to the General and Tabular regulations.

#### (3) **Rural**

Outdoor advertising is permitted subject to the General and Tabular Regulations.

#### (4) **Conservancy**

Outdoor advertising is permitted subject to the General and Tabular regulations.

#### (5) **Natural**

Outdoor advertising is prohibited EXCEPT for official signs necessary for trail or boat launch markings, hazard warnings, public facilities, or educational and interpretive purposes. Such signs shall be limited in number, size, and design so as to adequately fulfill their stated purposes within minimal impact to the Natural Shoreline Area.

#### (6) **Aquatic**

Outdoor advertising is prohibited EXCEPT for one (1) flush mounted wall sign shall be allowed for shoreline dependent uses subject to the General and Tabular regulations.

### B. **General**

(1) **Off-premise advertising** - Off-premise outdoor advertising is not permitted in any area subject to the Shoreline Management Act,

PROVIDED that a limited number of consolidated, community gateway identification or direction signs are allowed as a conditional use.

(2) **Freestanding signs**

- a. Applications for freestanding signs shall demonstrate that it is unfeasible to mount the sign on an exterior wall of the applicant's building. Failure to satisfactorily meet this requirement shall be sufficient grounds for denial of the application.
- b. Freestanding signs shall be located upland of rights-of-way and roadways in shoreline areas except for on premise signs for enterprises located shoreward of roadways and rights-of-way.

(3) **Animated outdoor advertising** - Any sign or advertising devices that move and/or fluctuate in lighting or position in any manner are prohibited in shoreline areas.

(4) **Number of signs/devices** - All public and private enterprises, developments, and services located in shoreline areas shall have no more than two (2) on-premise advertising devices or signs.

(5) **Sign height**

- a. On-premise signs and advertising, whether freestanding or wall mounted, shall not extend in height above the highest exterior wall of the building to which the sign relates and shall meet the regulations of Table OA.
- b. Roof mounted signs are not permitted within shoreline areas.

(6) **Shore and sideyard setbacks** - Freestanding signs allowed in shoreline areas and other on-premise outdoor advertising shall be setback the same distance from OHWM and side property lines as the building or development to which it relates.

- (7) **Private, temporary signs** - A reasonable number of temporary signs may be posted on private property by the owner for the purpose of selling or renting such property, PROVIDED no such sign exceeds four (4) square feet in area.
- (8) **Non-conforming uses** - Any outdoor advertising within shoreline areas that does not meet the policies and regulations of this Master Program shall be modified to conform with this program or removed within two (2) years of program implementation.

**C. Tabular Regulations**

Table OA establishes maximum allowable:

- (1) **Height limits** for all outdoor advertising EXCEPT that wall mounted signs may be placed at a height no greater than the building to which it relates.  
Measurement is taken from the average elevation occupied by the structure to sign top.
- (2) **Total sign area** for all allowable signs, including borders. The maximum sign area is for each face of a double or single faced sign.

**TABLE OA - TABULAR SHORELINE AREA REGULATIONS**  
**OUTDOOR ADVERTISING**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. Height limits (in feet) from average grade level to sign top.	25	10	5	5	NA	10
2. Total sign area (in sq. feet)	100	20	15	15	NA	6

## 7.10 PIERS AND DOCKS

### 1. POLICIES

#### A. **General**

- (1) **Feasibility** - Proposals for piers or wharves should exhibit the need or feasibility for such structures.
- (2) **Uses** - Piers and docks should be allowed only for use by watercraft, water dependent and related economic activities, water related public recreation, and emergency vessels.
- (3) **Existing Facilities** - Multiple use and expansion of existing piers, wharves, and docks should be encouraged over the addition and/or proliferation of new facilities.
- (4) **Community or Joint Use** - All new or existing shoreline developments that propose new or additions to piers, docks, and swim or recreation floats should provide such facilities for common, joint use by appropriate development organizations, community residents, or users.  
New developments include industrial, port, commercial, residential, or recreational activities.
- (5) **Public Access/Use** - Encourage pier and dock projects to provide for public access, docking, launching, and use.
- (6) **Water Quality, Fish, Shellfish, and Wildlife** - Piers and docks and their associated activities should conserve and enhance water quality, fish, shellfish, and wildlife resources and habitats.
- (7) **Mooring Buoys** - Mooring buoys for individual mooring of craft in areas where there are no or insufficient docking facilities are preferred over the construction of individual shoreline docks.
- (8) **Restoration** - Local programs and coordinated efforts among private and/or public agencies should be initiated to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a safe, usable state for commercial and public recreation activities.

**B. Geohydraulics and Design/Location**

**(1) Marine and lake shores:**

- a. Where geohydraulic processes are active (shore erosion and accretion, littoral drift), piers and docks should allow for a maximum of littoral drift and should minimize interference with basic geohydraulic processes.
- b. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base should be built landward of the ordinary high water mark (foreshore) or protective berms.
- c. Piers and docks should not be located in estuaries and biologically productive marshlands.
- d. The use of mooring buoys should be preferred if proposed docking facilities for small boat and pleasure craft will adversely interfere with basic geohydraulic processes or utilize valuable and unique shoreline resources.

**(2) River shores:**

- a. Piers and docks should not locate along braided or meandering river channels or where the river channel is subject to change in direction or alignment.
- b. Bulkhead-like bases for piers and docks along river shorelines should be built landward of the ordinary high water mark.
- c. If docks are allowed along river shorelines, they should be of the floating type, securely anchored to piling to allow for changes in the river level. Construction of such docks and their accessory uses should be able to withstand 100-year frequency flooding.

**(3) Floating and/or open-pile construction should be utilized:**

- a. where geohydraulic processes are active

- b. where shore trolling and commercial fishing is a significant activity
  - c. if there will be interference with currents, circulation, and aquatic life.
- (4) Open-pile piers and docks should not form groins or baffles that trap littoral drift, adversely affect river channel form and alignment, promote erosion or interfere with fisheries resources and other aquatic life
  - (5) **Impacts** - Piers and docks should be sited and designed to minimize all possible adverse impacts.
  - (6) **Boathouses** should be located inland from the ordinary high water mark, be in conformance with Skagit County zoning ordinances regarding accessory buildings, and should be designed to minimize visual impacts to the shoreline environment.
  - (7) **Mooring Buoys and Swim Floats** should be of the anchored, floating type, be located out of main navigational channels and areas of intensive water surface use, and be painted or designated to avoid being a hazard to other water users.

**C. Docks**

Although docks for private, noncommercial pleasure craft and common to single family residences and costing less than two thousand, five hundred dollars (\$2,500) are exempt from the shoreline permit procedure (RCW 90.58.030 (3-e-vii)), the county, for the benefit of the lot owner, adjacent properties, and water body users, should review all proposals for docks to determine if:

- (1) The proposal is or is not exempt from permit procedures.
- (2) The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated.
- (3) The proposal is consistent with the intent, policies and regulations of the Act and this program (RCW 90.58.140(1)).

**2. REGULATIONS**

**A. Shoreline Areas**

**(1) Urban**

- a. Docks, mooring buoys, and floats are permitted subject to the General Regulations.
- b. Piers and wharves for port, industrial, or commercial purposes are permitted subject to the General Regulations.
- c. Boathouses for private use shall be setback 35 feet landward of the OHWM and eight feet from side property lines.

**(2) Rural Residential**

- a. Docks, mooring buoys, and floats are permitted subject to the General Regulations.
- b. Piers and wharves for commercial purposes are permitted as a conditional use.
- c. Boathouses for private use shall be setback 50 feet landward of the OHWM and eight feet from side property lines.

**(3) Rural**

- a. Docks, mooring buoys, and floats are permitted subject to the General Regulations.
- b. Piers and wharves for port, industrial, or commercial purposes are permitted as a conditional use.
- c. Boathouses for private use shall be setback 50 feet landward of the OHWM and 50 feet from side property lines.

**(4) Conservancy**

- a. Docks, mooring buoys, and floats are permitted on lake and marine shorelines subject to the General Regulations.
- b. Docks and mooring facilities are permitted on river shorelines as a conditional use.
- c. Piers and wharves are prohibited.

d. Boathouses for private use shall be setback 100 feet landward of the OHWM and 75 feet from side property lines.

(5) **Natural**

Piers, docks, boathouses, and other permanent moorage facilities are prohibited, EXCEPT for officially approved facilities essential for public access and/or nature interpretation or observation compatible with the area's physical and visual character.

(6) **Aquatic**

a. Piers, docks, mooring buoys, and floats are permitted according to the appropriate upland Shoreline Area designation and the General Regulations.

b. Monobuoys, sea islands, and other floating or fixed bulk liquid or petroleum transfer facilities are permitted as a conditional use.

**B. General**

(1) **Permit/statement of exemption** - In order to assure that piers, dock, and related development are consistent with this program as required by RCW 90.58.140 (1), no such development may commence on shorelines without the responsible person having first obtained either a shoreline permit or statement of exemption from the county; provided, that no shoreline permit nor statement of exemption shall be issued for a pier or dock on state owned tidelands or shorelands without the applicant having a lease from the Department of Natural Resources.

(2) **Application information** - Proposals for piers, docks, or floats shall submit the following information concurrently with the Skagit County Application for Shoreline Management Substantial Development Permit or Statement of Exemption:

a. Ownership of tidelands, shorelands, or bedlands.

b. Proposed location of piers or docks relative to property lines and OHWM.

- c. Location and length of piers and docks on adjacent properties.
- (3) **Piers or wharves** - Construction of piers or wharves for port, industrial, or commercial purposes are subject to the Shoreline Area regulations and applicable regulations for Commercial Development or Ports and Industry.
- (4) **Private, Noncommercial docks**
- a. **Number** - No more than one (1) private, noncommercial dock is permitted per platted or subdivided shoreline lot or unplatted shoreline tract owned for residential or recreational purposes.
  - b. **Sideyard setback** - Docks shall be set back a minimum of eight (8) feet from side property lines, EXCEPT that a joint use or community dock may be located adjacent to or upon a side property line.
- (5) **Design and construction** - for private, noncommercial, joint use, and community docks.
- a. **Length**
    - 1. If there are existing docks within 300 feet of side property lines:
      - Private docks shall be no longer than the average length of those docks as measured from the OHWM.
      - Joint use and community docks shall be no longer than 15 feet greater than average length of those docks as measured from the OHWM.
    - 2. If there are no existing docks within 300 feet of side property lines, proposals for private, joint use, or community docks shall show reasonable

justification to exceed 50 feet in length from OHWM.

- b. **Height** - Docks shall not exceed three feet in height above OHWM on the landward side.
  - c. **Width** - Dock width shall be no greater than ten (10) feet.
  - d. **Materials** - Docks shall utilize open pile construction techniques. Solid materials such as rocks or concrete utilized for bulkhead bases shall be placed landward of the OHWM.
  - e. **River shorelines** - Docks on river shorelines shall be of the floating type, securely anchored to piling to allow for changes in river level, and shall be able to withstand 100-year frequency flooding.
- (6) **Community docks** - Docks for private recreational or residential subdivisions and camping clubs shall limit the number of berths to one (1) per dwelling, camping unit or lot. Proposals for community docks which provide more than twelve (12) berths shall be reviewed as marinas under Master Program Section 7.07, "Marinas and Boat Launch Ramps," and shall be in accordance with all policies and regulations of that section.
- (7) **Boathouses** - Boathouses for private use shall meet the setback requirements and standards of the respective Shoreline Area, Section A.
- (8) **Covered moorages** - Covered moorages are permitted only as part of marina development. See "Marinas and Launch Ramps."
- (9) **Floats**
- a. Floats shall be limited to one (1) per platted or subdivided shoreline lot or unplatted shoreline tract owned for residential or recreational purposes.
  - b. Joint use or community floats shall be preferred over individual lot facilities.

- c. Floats shall be of the nonpermanent, floating type only and must be securely anchored to real or material property owned by the applicant. Such anchoring should allow the float to be removed to an onshore location during extended periods of nonuse.
  - d. Floats shall be no larger than necessary to meet the anticipated use. Covered or enclosed floats are not permitted.
  - e. Floats shall not constitute a hazard to public safety and established navigation and shall not materially interfere with normal public use of the water and shorelines.
- (10) **Float plane facilities** - Docks and facilities for the moorage of float planes are a conditional use. Standards for private, noncommercial docks shall apply unless for commercial purposes in which case Commercial Development and Marina standards shall apply.
- (11) **Residential use** - Piers, docks, floats and any watercraft moored thereto are not permitted to be used for residential purposes.
- (12) **Utilities** - Overhead wiring or plumbing is not permitted on piers or docks. All utilities must meet the standards of applicable Uniform Building and Electrical Codes.
- (13) Petroleum and hazardous products storage and handling:
- a. Bulk storage of gasoline, oil, and other petroleum products for any use or purpose is not permitted on piers and docks. Bulk storage means nonportable storage in fixed tankage. Storage tanks for boat fueling facilities shall locate landward of the OHWM and meet the policies and regulations for "Utilities," Chapter 7.18.
  - b. Docks, piers, and floats used for the transfer of bulk petroleum and/or other hazardous products shall utilize technology and procedures to prevent spills and mishaps.

Spill cleanup facilities shall be available for prompt application at all piers and docks involved in oil and hazardous products transfer.

- (14) **Safety** - All piers, docks, mooring buoys and floats shall be located, constructed, and designated with appropriate markings so as not to be a hazard to public health, safety, and navigation and shall not materially interfere with normal public use of the water and shorelines.

## 7.11 **PORTS AND INDUSTRY**

### 1. **POLICIES**

#### A. **General**

- (1) **Feasibility** - Proposals for either new port facilities with water related industries or substantial additions to existing facilities should be presented as a component of a comprehensive regional feasibility analysis and plan. Such an analysis and plan should be coordinated with all affected local, state, and federal agencies and their programs and plans.
- (2) **Port industries** - Port facilities should be limited to shoreline and water dependent or related industries and activities.
- (3) **Existing facilities** - Development or redevelopment and multiple use of existing port areas, facilities, and services should be encouraged over the addition and/or location of new or single purpose port use facilities.
- (4) **New developments** - New port development proposals should include, where feasible, the cooperative use of docking, parking, cargo handling, storage facilities, and other related services.
- (5) **Public access**
  - a. Privately funded port facilities should be encouraged to make available public access opportunities, providing such access will not unduly interfere with port operations, endanger public health and safety, or impose an economic or physical liability to the owner.
  - b. Port facilities, funded in any way by public monies, should make available ample public access, providing such access will not unduly interfere with port operations or endanger public health and safety.

#### B. **Location and Design**

For location and design policies for piers, wharves, and docks, see "Piers and Docks," Section 7.10.

- (1) Ports and water related industry should be located and designed to minimize the need for initial and continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.
- (2) Ports and water related industry should be located at existing developed port and harbor areas and/or on Department of Natural Resources designated first class shorelands and harbor areas if consistent with this program.
- (3) Water using industries and activities should not locate in shoreline areas. Waste treatment ponds and works associated with port and water related industry should not locate in shoreline areas.
- (4) Ports and water related industry should occur in areas other than those of high environmental, agricultural, cultural, recreational, or historical value.
- (5) All port and water related industrial facilities, equipment and works should be located, designed, and maintained to avoid, or if necessary, withstand 100-year flood frequency flooding and/or storm tides or surges without becoming hazards and without the placement of massive structural defense works.
- (6) **Hazard prone areas** - Port and industrial developments should not be located on accreting, eroding, slumping, or geologically unstable shorelines and where extensive shore defense and/or flood protection structures would be necessary.

**C. Transportation and Utilities**

- (1) Land transportation and utilities associated with ports and water related industry should follow the policies and regulations provided under "Utilities," Section 7.18, and "Transportation Facilities," Section 7.17.
- (2) Ports and water related industry should utilize existing transportation and utility corridors wherever feasible.

**D. Water Quality**

- (1) Port and water related industry operations and practices should adhere to the water quality guidelines, policies, standards, and regulations of water quality management programs and appropriate regulatory agencies.
- (2) Port and water related industry operations and practices in shoreline areas should protect all water bodies from existing and potential sources of pollution from such activity.

**E. Log Storage and Transport**

- (1) Water storage of logs should be discouraged.
- (2) Log storage on land within the shorelines jurisdiction should utilize all practical techniques to prevent all debris, and site surface runoff from entering water bodies.
- (3) Log storage and all associated equipment, works, and structures should be able to withstand flooding without becoming hazards and without the placement of structural defense works.
- (4) Log storage, if allowed on shorelines, should occur in areas other than those of high environmental, agricultural, cultural, recreational, or historical value.
- (5) Water quality maintenance programs and development of criteria for log storage and rafting areas should be initiated and implemented.

**F. Impacts**

- (1) Ports and water related industry proposals should mitigate adverse impacts to the shoreline and aquatic environment and to adjacent and nearby land and water users.
- (2) Review of proposed port and water related industries should adhere to applicable local, state, or federal environmental impact statement (EIS) procedures and guidelines.

**2. REGULATIONS**

**A. Shoreline Areas**

(1) **Urban**

Port and industrial development is permitted subject to the General and Tabular Regulations.

(2) **Rural Residential**

Port and industrial development is not permitted. Offshore storage and handling of logs is a conditional use.

(3) **Rural**

Port and industrial development is permitted as a conditional use.

(4) **Conservancy**

Port and industrial development is not permitted EXCEPT that log handling and storage is permitted as a conditional use.

(5) **Natural**

Port and industrial development is not permitted.

(6) **Aquatic**

- a. Port development only is permitted subject to the upland shoreline area, General and Tabular Regulations.
- b. Port development shall comply with the policies and regulations for "Piers and Docks," Section 7.10.
- c. Log storage shall be allowed in existing use areas established prior to the effective date of this program.

**B. General**

(1) **Types of industry, location** - Industries proposing to locate within Shoreline Management Act jurisdiction areas must be water and shoreline dependent or related. Such industries shall locate in areas consistent with existing and revised Skagit County comprehensive plans and zoning ordinances.

(2) **Skagit County Zoning Ordinance** - Port and industrial development shall comply with the standards and provisions of the Skagit County Zoning Ordinance Chapter 14.04 of the Skagit County Code, and any revisions or amendments thereto.

- (3) **Joint facility use** - Port and industrial development shall avoid duplication of pier and dock facilities. Joint facility use shall be preferred and considered during project proposal review.
- (4) **Floodway** - Port and industrial developments are prohibited in the officially mapped floodway of the Skagit River, its tributaries, and the Samish River.
- (5) **Accessory development** - Development accessory to port and industrial facilities shall be shoreline and/or water dependent or related or of a nature providing public access and shoreline enjoyment opportunities consistent with this Master Program.
- (6) **Non-conforming uses** - Existing port or industrial development on shorelines which is neither shore nor water dependent or related shall be permitted to expand inland from, but not along, shoreline areas if consistent with this Master Program.
- (7) **Screening and buffer areas**
  - a. Port and industrial developments shall provide screening and/or buffer area plans that are in conformance with Tabular Regulations (Table PI) and/or Planning Department criteria and conditions.  
Such screening and/or buffer areas shall be maintained in good, effective condition at all times.
  - b. Port or industrial equipment storage, accessory development, plant parking, wastewater treatment or disposal shall not be considered as appropriate buffer area users.  
Shoreline recreation, access opportunities, and surface water runoff management shall be the preferred uses if compatible with public health, safety, facility operations, and this Master Program.

- (8) **Air and water quality** - Port and industrial developments shall meet the air and water quality guidelines, standards and regulations of appropriate local, state and federal agencies.
- (9) **Waste treatment and disposal** - Storage and/or disposal of industrial wastes is prohibited on shorelines, PROVIDED that wastewater treatment systems may be allowed in shoreline areas only if alternate, inland areas have been adequately proved infeasible.
- (10) **Drainage and runoff**
- a. Port and industrial developments shall utilize effective measures to control, treat, and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. If not subject to a National Pollution Discharge Elimination System permit (NPDES-DOE) and other state or federal standards, such measures shall meet the standards and criteria of the Skagit County Code.
  - b. Port and industrial developments should utilize as much permeable surfacing as practicable to minimize surface water accumulation and runoff. Use of sodded and vegetated buffer areas shall be preferred for one phase of runoff management.
- (11) **Petroleum products and hazardous materials**
- a. Either solid, liquid, or gas bulk storage of petroleum products, chemicals, and other materials known to be or potentially hazardous to shoreline area and water bodies shall justify the need to locate in the shoreline area. Such development is permitted as a conditional use.
  - b. Port and industrial developments involved in the transfer of petroleum and/or other hazardous products shall utilize best

available technology and procedures to prevent spills and mishaps.

Spill cleanup facilities shall be available for prompt application at all developments involved in such transfer activities.

**(12) Log Storage**

- a. Log storage shall not be permitted in public waters where water quality standards cannot be met at all times, where the shoreline resource will be irretrievably damaged, or where other beneficial water uses will be materially hindered or precluded.
- b. Runoff (for dry land storage) - Dikes, drains, catch basins, vegetated buffer areas, and other effective means shall be used to control, treat, and release surface drainage and runoff. It shall be demonstrated that state water quality standards will not be violated at any time under any conditions by such runoff discharge.
- c. Unpaved, dry land log storage areas shall have a four (4) foot average depth to water table as a minimum.
- d. Easy let down techniques and devices shall be employed for water storage or transfer. The free-fall dumping of logs into water is not permitted.
- e. Bark and wood debris shall be controlled, collected, and disposed of in such a manner to prevent entry and/or accumulation on shorelines and water bodies at all log storage and handling areas, wet or dry.

**(13) Public health, safety, and welfare** - Port and industrial developments and associated activities shall not constitute a nuisance or threat to public health, safety and welfare.

**C. Tabular Regulations**

Table PI establishes:

- (1) **Shore setback and buffer** (in feet) from the OHWM for onshore primary buildings or development PROVIDED that such setback shall not necessarily apply upland of existing, dedicated roads. Such setback shall increase one (1) foot for each one (1) foot that the structure exceeds 35 feet in height. Exception: port facilities directly involved in cargo transfer.
- (2) **Sideyard setback and buffer** (in feet) for on and offshore port and industrial development. Such setback shall increase one (1) foot for each one (1) foot that the structure exceeds 35 feet in height.

**TABLE PI - TABULAR SHORELINE AREA REGULATIONS - PORTS AND INDUSTRY**

	<b>SHORELINE AREA</b>					
	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. Shore setbacks and buffer (in feet) from OHWM.	100	150	150	100*	NA	NA
2. Sideyard setback and buffer (in feet) from side property lines.	50	100	50	50*	NA	50

\*for dry land log storage areas only

## 7.12 RECREATION

### 1. POLICIES

#### A. **General**

- (1) Developments, including commercial or residential activities, should be encouraged to provide public recreational access and use of shorelines. Such access or developments should neither unduly conflict with adjacent uses nor adversely impact the shoreline environment.
- (2) A variety of recreational experiences and activities should be encouraged to satisfy the diversity of demands.
- (3) Recreational activities and facilities along the shorelines of Skagit County should comply with the guidelines, policies, and regulations of appropriate county, state, and federal agencies and this program.
- (4) If shoreline areas suited for one or more forms of recreation are scarce yet in demand in Skagit County, such shorelines should not be developed for other types of recreation that are already well supplied.

#### B. **Location and Access**

- (1) Active shoreline recreational access, developments, and opportunities should be allowed to expand only in those areas already used for such purposes or on those shorelines environmentally capable of supporting such activities.
- (2) Passive shoreline recreational access and opportunities should minimize the concentration of users at specific points or portions of shoreline areas. This may be accomplished, where appropriate and feasible, by a combination of linear shoreline trails or easements tied in with a series of public parking or access points.
- (3) When private developments, whether recreational, residential, or commercial, are proposed along or around publicly owned

shorelines or public water bodies, such developments should be encouraged to provide access to these shorelines and waters.

- (4) When large scale private developments, whether recreational, residential, or commercial, are proposed for unique shoreline areas that have a high potential for meeting local public outdoor recreation needs, the applicant should be encouraged to make provisions for public access, even if a nominal user fee is required.
- (5) Shoreline recreation developments, designations, activities, and accesses should not be sited in locations where the health, safety, and welfare of the users will be endangered by the existing land and water activities.

**C. Unique and Fragile Shoreline Areas**

- (1) Unique and fragile shoreline areas such as accretion beaches marshes, estuaries, and wetlands that are susceptible to damage from structural recreational development and to periodic and seasonal changes in water levels should be identified, protected, and preserved for less intensive forms of recreation.
- (2) Unique and fragile shoreline areas such as point bar beaches, sand bars, and other accretion beach forms whose formation and maintenance are dependent upon water borne transport and deposit of sand and gravel materials should be identified, protected, and preserved for more passive forms of recreation.
- (3) Plans for recreational activities, developments, designations, and accesses should identify and make provisions for the preservation, protection, and proper use (see No. 1 and 2) of unique and fragile shoreline areas and their associated biological life and communities.

**D. Design**

- (1) **Sewage Disposal:**

- a. Solid and liquid wastes and untreated effluent should not be allowed to enter any bodies of water both on and off the recreation site.
  - b. All current and future regulations of appropriate regulatory agencies regarding solid and sewage waste disposal should be adhered to.
- (2) Auxiliary use facilities, such as restrooms, recreation halls and gymnasiums, commercial services, access roads, and parking lots, should be located inland from shoreline areas, unless it can be shown that such facilities are essentially shoreline dependent.
  - (3) Where large, grassy open areas for recreational purposes are proposed, such as golf courses and playfields associated with turf maintenance programs should include provisions, procedures, and facilities to protect all water bodies within the drainage area from the potentially detrimental effects of turf chemicals in drainage and surface runoff.
  - (4) Variations in modes of travel along, between, and to shoreline areas and access points should be encouraged. These might include trails, pathways, or corridors for walking, bicycling, horseback riding, and other pedestrian means of transport.
  - (5) Recreational motor vehicles should be prohibited except in designated areas.
  - (6) Recreational or access development should be designed to protect and preserve scenic views and aesthetic values of the shoreline environment.

**E. Conflicts**

To avoid duplication and minimize possible conflicts, this Master Program encourages the coordination of recreation planning between local, state, and federal agencies.

- (1) Shoreline recreation developments, designations, activities, and accesses should be compatible with the adjacent and surrounding land and water uses.
- (2) There should be a minimum of conflict between the recreation activities and between the activities and existing land and water uses.
- (3) Proposed shoreline and shoreline linked activities or developments that would interfere with an existing or previously identified or designated recreational experience should be discouraged.
- (4) Plans for public or private recreational developments should consider and not conflict with or impinge upon existing and planned recreation developments, designations, and systems of other public agencies.

Plan reviewers: Plans of public agencies for recreation developments, designations, or systems should receive major consideration during design review of proposed private or public developments that might negate, conflict, or otherwise adversely impact the implementation of such plans.

Consideration should be given to possible conflicts between various forms of recreation and between recreation and adjacent and surrounding land and water uses.

#### **F. Impacts**

In general, shoreline recreation development, activities, and accesses have a degree of impact upon both the shoreline environment and adjacent land and water uses. It is the policy of this Master Program to minimize these impacts. This is not only to protect and enhance the quality of the shoreline resource, but to ensure that the anticipated recreational experience is preserved and enhanced for present and future users.

- (1) The siting, design, and overall development of recreational areas and their activities should minimize adverse impacts on the quality

of the shoreline resource and on the adjacent and surrounding land and waters.

(2) Review of proposed recreation developments, designations and systems should adhere to applicable local, state, or federal environmental impact statement (EIS) procedures and guidelines. At a minimum this design review and EIS procedure should consider:

- a. Impact of the activities and development on the existing shoreline environment.
- b. Impact of the activities and development on the adjacent and nearby shoreline environment.
- c. Impact of the activities and development on the adjacent and nearby land and water uses.
- d. The need for the recreation facilities compared to the supply existing in the county.
- e. Identification of alternative shoreline or inland locations suited to the types of activities proposed.
- f. The necessity and extent of alteration of the shoreline environment to meet design objectives and requirements.
- g. The proximity to and impact upon required public utilities and services.

## **2. REGULATIONS**

### **A. Shoreline Area**

#### **(1) Urban**

Recreation development is permitted subject to the General and Tabular Regulations.

#### **(2) Rural Residential**

Recreation development is permitted subject to the General and Tabular Regulations.

#### **(3) Rural**

Recreation development is permitted subject to the General and Tabular Regulations.

**(4) Conservancy**

- a. Recreation development not requiring significant numbers or types of structures or alterations of topography is permitted subject to the General and Tabular Regulations.
- b. Recreation developments such as golf courses, playing fields, and other activities requiring extensive topographic modification and/or structures are not permitted within the Conservancy Shoreline Area.
- c. All landscape plantings shall consist of native, self-sustaining vegetation.

**(5) Natural**

- a. Recreation development of a nonintensive nature such as trails, small picnic areas, viewpoints, interpretive facilities, and hand-launched boat facilities shall be permitted upon Planning Department review and approval.
- b. All other recreation development is prohibited.
- c. All landscape plantings, if allowed, shall consist of native, self-sustaining vegetation.
- d. The use of fertilizers, pesticides, and herbicides is prohibited.

**(6) Aquatic**

- a. Recreation development is permitted if consistent with the adjacent shoreline area designation.
- b. Underwater parks are permitted as a conditional use.

**B. General**

- (1) Floodways** - Recreational development structures and facilities of a permanent nature except for officially approved accessory uses shall be located out of the officially mapped floodway of the Skagit River, its tributaries and the Samish River.

- (2) **Shore defense and flood protection works** - Recreational development shall be located and designed to avoid or minimize the need for structural shore defense and flood protection works
- (3) **Design** - Recreational developments shall be designed so as not to conflict with on-site and adjacent or nearby shoreline characteristics and existing developments and uses.
- (4) **Shoreline resources and fragile/unique areas** - Shoreline resources such as but not limited to fresh and salt water marshes, estuaries and fresh and salt water accretion beaches, if part of a recreation development, shall be utilized only for nonintensive, nonstructural and nonextractive recreation activities. Such resources may qualify as meeting open space requirements of Table R.
- (5) **Motor and recreational vehicles**
- a. Roads, access, and parking for automobiles, trucks, campers, trailers, and other recreational vehicles shall meet the setback requirements of Table R, this chapter.
  - b. Licensed and unlicensed recreational motor vehicles and all forms of all terrain vehicles are allowed only on roads, trails, or developments consistent with this Master Program.
  - c. All vehicle use for recreational purposes is prohibited on tidelands, shorelands, beaches, marshes, or in and through streamways, EXCEPT for emergency and maintenance purposes, boat launching, and the on and off loading of handicapped persons.
- (6) **Sewage and waste disposal** - Recreational developments shall meet all state and local guidelines and standards for solid waste and sewage disposal.
- (7) **Utilities** - All plumbing, wiring, and other utility lines shall be installed underground or otherwise rendered inconspicuous.

(8) **Fertilizers, pesticides, and herbicides**

- a. Recreational developments requiring the use of fertilizers, pesticides, and herbicides shall leave a chemical free swath at least twenty-five (25) feet in width from water bodies and wetlands.
- b. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by appropriate agencies (State Departments of Agriculture or Ecology, U.S. Department of Agriculture, EPA).

(9) **Relationship with other recreation areas** - Recreational developments requiring the use of fertilizers, pesticides, and herbicides shall not unduly burden nor create use conflicts with adjacent and nearby public or private recreation facilities and areas.

(10) **Public health, safety, and use** - Recreational developments shall be located, constructed, and operated so as not to be a hazard to public health and safety nor should they materially interfere with the normal public use of the water and shorelines.

C. **Tabular Regulations**

Table R. establishes:

(1) **Shore setbacks** (in feet) from the OHWM for:

- a. Developed or designated campsites, picnic facilities, and their essential structures.
- b. Development roads and other essential structures such as restrooms.
- c. Auxiliary use facilities such as parking areas, community and recreation halls, commercial services, and other non-shoreline dependent structures.

(2) **Sideyard setbacks** (in feet) for:

- a. Roads, developed or designated campsites, and essential structures such as restrooms and picnic facilities.
  - b. Auxiliary use facilities such as parking areas, recreation and community halls, commercial services, and other non-shoreline dependent structures.
- (3) **Height limit** (in feet) as measured from average elevation occupied by the structure for structures located:
- a. 0-100 feet from OHWM.
  - b. 101-200 feet from OHWM.
- (4) **Site coverage** - Maximum percentage of the shoreline area that may be developed or covered by structures, roads, parking, campsites, and primary uses.

**TABLE R - TABULAR SHORELINE AREA REGULATIONS - RECREATION**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. <u>Shore setbacks</u> (in feet) from OHWM for:						
a. Campsites, picnic facilities, and their essential structures	25	25	50	70	C*	NA
b. Roads, essential structures	50	50	100	150	NA	NA
c. Auxiliary uses, structures	100	100	150	200	NA	NA
2. <u>Sideyard setbacks</u> (in feet) for:						
a. Roads, campsites, essential structures.	10	20	50	75	C*	NA
b. Auxiliary uses, structures	20	30	75	10	NA	NA
3. <u>Height limit</u> (in feet)						
a. 0-100 feet from OHWM	15	15	15	15	NA	NA
b. 101-200 feet from OHWM	35	35	25	15	NA	NA
4. <u>Site Coverage</u>	60%	50%	40%	20%	5%	NA

\* C = Conditional, subject to review and approval.

## 7.13 **RESIDENTIAL DEVELOPMENT**

### 1. **POLICIES**

#### A. **General**

- (1) **Residential development** should be located, designed, constructed, and maintained to preserve, enhance, and wisely use the natural features and resources of Skagit County's shoreline and aquatic environments.
- (2) **Coordination** - All proposals for residential development should be coordinated and consistent with plans, policies, guidelines, and regulations of applicable federal, state, and/or local agencies.
- (3) **Multiple and optimum use** - Recognizing the single purpose, irreversible and space consumptive nature of shoreline residential development, then new development should be adequately set back from immediate shoreline areas to allow for suitable recreation and leisure activities by development residents.
- (4) **Joint use** - Residential developments that propose new or additional piers, docks, recreational floats, or other structures should provide community, multipurpose, or consolidated facilities and should demonstrate the need for such facilities.
- (5) **Public access** - Residential developments should provide public access opportunities to publicly owned shorelines or public water bodies. Such access should be of a mode and size appropriate to the site, size, and general nature of the development. If access is appropriate, feasible, and in the public interest, yet is denied, the developer should exhibit adequate cause for such denial.
- (6) **Public uses** - Proposals for residential development should demonstrate that the development and its related activities will not be detrimental to the public interest and uses of the shoreline and water bodies.

- (7) **Natural resources, processes, and other uses** - Residential development, if permitted on shorelines, should not significantly damage, diminish, or adversely affect:
- a. Estuaries, natural wetlands, and marshes.
  - b. Prime agricultural land.
  - c. Natural resources such as but not limited to, sand and gravel deposits, timber, or natural recreational beaches.
  - d. Fish, shellfish, and wildlife habitats, migratory routes, and spawning areas.
  - e. Water quality and quantity.
  - f. Geohydraulic processes and accretion shoreforms.
  - g. Archaeological and historic sites.
  - h. Scenic vistas.
- (8) **Hazardous areas** - Residential development and accessory uses should be located, designed, constructed, and maintained to avoid, or if necessary, withstand 100-year frequency flooding and storm tides or surges without becoming hazards and without the placement of extensive structural defense works.
- (9) **Water quality and quantity** - Residential construction, maintenance, and activities should protect and not adversely affect the quality and quantity of all surface and ground waters on and adjacent to the site, and should adhere to the guidelines, policies, standards, and regulations of water quality management programs and appropriate regulatory agencies.
- (10) **Planned Unit Development (PUD)** - For substantial residential development proposals and to more efficiently use land resources and public services, PUD's at suitable locations are preferred to extensive single lot development on shorelines.
- (11) **Floating and over the water homes** should be prohibited.
- (12) **Community services and facilities** - Community services and facilities common to residential land use such as police and fire

stations, schools, hospitals, churches, and associated structures should be located inland from shoreline areas.

- (13) **Shoreline Management Act jurisdiction** - If a component of residential development falls within shoreline management jurisdiction, the entire proposal should be considered and reviewed as a single project relating to shoreline use.

**B. Single Family Residences**

Although single-family residences are exempt from shoreline permit procedure (RCW 90.58.030 (3-e-vi)), the county, for the benefit of the lot owner, adjacent properties, and other shoreline and water body users, should review all proposals for construction to determine if:

- (1) The proposal is or is not exempt from permit procedures.
- (2) The proposal is suitably located and designed and that all potential adverse impacts to the shoreline and water bodies have been recognized and mitigated.
- (3) The proposal is consistent with the intent, policies, and regulations of the Act and this program (RCW 90.58.140 (1)).

**C. Location**

- (1) **Existing and designated areas** - New substantial developments should locate in existing developed areas or in officially designated residential areas providing development in these areas is consistent with this program.

- (2) **Geohydraulics** - Residential development should be located:
- a. so as not to interfere with geohydraulic processes.
  - b. inland from feeder bluffs, drift sectors, and accretion shore forms.
  - c. to avoid or minimize the need for shore defense, stabilization, and flood protection works.
  - d. to utilize and protect the integrity of the shore resources for the benefit of present and future residents and users.

- (3) **Services, utilities, and access** - Shoreline residential development of a density and nature requiring substantial public services, roads, and utilities should locate where such services are adequately or feasibly available and officially planned.
- (4) **Geologically hazardous, sensitive, and unique areas** - Shoreline areas subject to geologic hazards such as, but not limited to, bank and bluff sluffing, failure, or excessive erosion, and other shorelines sensitive to adverse impact from development should not be subject to residential development.  
These areas, if a part of development ownership, should be reserved for less intense, nondevelopmental uses.

**D. Design and Construction**

- (1) **Residential shoreline development structures**, services, and facilities should be sited and designed to preserve, enhance, and wisely use the natural features and resources of the shoreline environment.
- (2) **Site compatibility** - Arrangement, density, setback, lot coverage, and height of dwelling units should be appropriate and compatible with the local and surrounding natural and cultural features.
- (3) **Open Space**
  - a. Residential development should provide ample, multipurpose open space between structures and water bodies or wetlands, along site boundaries, and between conflicting uses.
  - b. Hazardous or sensitive shoreline areas or segments not suitable for intensive or developmental use should be utilized as open space.
- (4) **Geohydraulics**  
Residential development should be designed:
  - a. so as not to interfere with geohydraulic processes and shore forms.

- b. to avoid or minimize the need for shore defense, stabilization, and flood protection works.
  - c. to utilize and protect the integrity of the shore resources for the benefit of present and future residents and users.
- (5) **Recreation oriented residential** - Recognizing the potential adverse impact upon publicly provided facilities and areas, recreation oriented developments should provide adequate, diverse recreation opportunities to serve resident members and other users.
- (6) **Planned Unit Developments (PUD)**, multi-unit, high-rise, and other high-density developments, including units over 35 feet in height, should take extraordinary steps to:
- a. provide adequate, county standard roads, parking and boat storage facilities, utilities, and fire protection.
  - b. provide substantial, diverse on-site recreation opportunities and open space, with shoreline areas reserved for such purposes.
  - c. arrange and design structures so as to preserve views, vistas, and local aesthetic values.
- (7) **Accessory uses**, unless clearly shoreline dependent (such as docks and floats), should be set back from shoreline areas, be reasonable in size and purpose, and be compatible with on-site and adjacent structures, uses, and natural features.
- (8) **Utilities** - Residential development should provide safe, well planned utilities to meet all applicable standards and the policies and regulations for "Utilities," Section 7.18. Underground placement in shoreline areas should be required.
- (9) **Parking and circulation**
- a. Parking areas and roads should:
    - be sited inland from shoreline areas.
    - be adequately buffered.

- be designed and constructed to minimize erosion and runoff, utilizing permeable materials and, if necessary, structural measures.
  - b. Developments should provide residents with nonmotorized access to and along shorelines.
- (10) **Construction and maintenance** - All phases of construction and land maintenance activities should be scheduled and designed to minimize and control all runoff, erosion, and other potential adverse water quality and quantity impacts.
- (11) **Aesthetics** - All residential development structures, accessory uses, and facilities should be arranged and designed so as to preserve views and vistas to and from shorelines and water bodies and be compatible with the aesthetic values of the area.

**E. Impacts**

- (1) Review of proposed residential developments should adhere to applicable local, state, and federal environmental impact statement (EIS) procedures and guidelines.
- (2) Residential developments and activities should mitigate adverse impacts to the shoreline and aquatic environment and to adjacent and nearby land and water uses.

**2. REGULATIONS**

**A. Shoreline Area**

(1) **Urban**

Residential development is permitted subject to the General and Tabular Regulations.

(2) **Rural Residential**

Residential development is permitted subject to the General and Tabular Regulations.

(3) **Rural**

a. Residential development is permitted subject to the General and Tabular Regulations.

- b. Alterations of the natural topography, the shore water interface, and vegetation of the site shall be minimize to that extent necessary to the placement of the residence.

(4) **Conservancy**

- a. Residential development is permitted subject to the General and Tabular Regulations.
- b. Alterations of the natural topography, the shore-water interface, and vegetation of the site shall not be permitted EXCEPT for that absolutely necessary to the placement of the residence. The need and extent of such alterations shall be provided at the time of application.
- c. Residential development shall not be approved for which structural shore defense or flood protection devices are required along shore to protect life and/or property.

(5) **Natural**

Residential development is prohibited.

(6) **Aquatic**

Residential development is prohibited EXCEPT for residential related, water dependent accessory uses consistent with the upland shoreline area designation.

**B. General**

- (1) **Other plans, ordinances** - Proposals for residential development shall comply with applicable Skagit County plans, and ordinances and any revisions or amendments thereto. In the case of conflicting standards or requirements, the stricter shall apply.
- (2) **Floating and over the water homes** - Floating and over the water homes, as defined in Chapter 3, "Definitions," respectively, utilized for residential purposes are prohibited in shoreline areas.
- (3) **Accessory uses and facilities** - Accessory facilities common to residential development shall meet the setback requirements of Table RD, EXCEPT for docks, floats, boat launch ramps, and other

uses determined to be shoreline dependent. For docks, floats, and ramps, see "Piers and Docks," Chapter 7.

(4) **Hazardous and unstable areas**

a. Floodway - Residential structures and primary facilities of a permanent nature as part of development subject to this program shall be located out of the officially mapped floodway of the Skagit River, its tributaries, and the Samish River.

b. Residential structures and accessory facilities are prohibited on accreting, eroding, slumping, or geologically unstable shorelines and where extensive shore defense and/or flood or storm protection structures would be necessary. Proposals for such development shall meet shoreline setbacks, other than those of Table RD, that are deemed suitable to site conditions by the Planning Department.

(5) **Shore defense and flood protection works** - Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works.

(6) **Landfilling** - The filling of water bodies and shorelands waterward of the extreme high tide line or OHWM and of floodways, natural wetland, marshes, and estuaries for expansion or creation of upland areas is prohibited.

(7) **Public access** - Legal public access to publicly owned shorelines and water bodies shall not be infringed upon by residential development.

(8) **Shoreline resources and fragile/unique areas** - Shoreline resources such as but not limited to fresh and salt water marshes, accretion beaches, estuaries, and floodways shall be utilized for nonstructural, nonextractive residential related uses.

Such resources may qualify as meeting open space requirements of Table RD.

- (9) **Shoreline setbacks** - Residential structures shall be setback common to the average of setbacks for existing dwelling units within 300 feet of side property lines or a minimum setback distance as required in Table RD, whichever is greater.
- (10) **Utilities** - All plumbing, wiring, and other utility lines shall be installed underground or otherwise rendered inconspicuous by means meeting with Planning Department approval.
- (11) **Roads and parking areas**
- a. Roads and parking areas shall be located as far landward of the OHWM in compliance with Table RD and the standards of "Transportation Facilities," Section 7.17.
  - b. Roads and parking areas shall meet the design and construction standards of applicable short plat or subdivision ordinances.
- (12) **Drainage and runoff** - Residential developments shall utilize effective measures to control, treat, and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Such measures shall meet the standards and criteria of the Skagit County Code.
- (13) **Sewage and waste disposal** - Residential development shall meet all state and local guidelines and standards for solid waste and sewage disposal.
- (14) **Screening and/or buffer areas**
- Setbacks for shoreline residences shall serve as screening and/or buffer areas between properties and between dwelling units and water bodies. Planned Unit Developments (PUD) and residential recreational developments of five (5) or more dwelling units shall comply with screening and/or buffer standards as determined by the Planning Department at time of application review.

**C. Tabular Regulations**

Table RD establishes:

- (1) **Shore setback** (in feet) for the following:
- a. Single family and duplex units, roads, and parking.
  - b. Triplex and/or multi-units less than 35 feet in height, roads, and parking.
  - c. Triplex and/or multi-units more than 35 feet in height, roads and parking. Such setback shall increase five (5) feet for each one (1) foot that the structure exceeds 35 feet in height.
  - d. Accessory development.  
Such setbacks shall be measured from the OHWM, EXCEPT for officially mapped or recognized critical areas (erosion bluffs or shores, wetlands, marshes), whereby setbacks shall be measured from the top of the bluff or cliff or nearest wetland edge.
- (2) **Sideyard setbacks** (in feet) from side property lines for:
- a. Single family and duplex units.
  - b. Triplex and/or multi-units less than 35 feet in height.
  - c. Triplex and/or multi-units more than 35 feet in height.
  - d. Accessory uses, parking.
- Setbacks may be reduced or modified for Planned Unit Developments.
- (3) **Height limits** (in feet) for dwelling units and accessory uses:
- a. 0 - 100 feet from the OHWM, bluff edge, or nearest wetland edge.
  - b. 101 - 200 feet from the OHWM, bluff edge, or nearest wetland edge.
  - c. All land based accessory development shall be no greater than fifteen (15) feet in height. Over the water accessory development is limited to ten (10) feet in height.  
Height shall be measured from the average elevation occupied by the structure to highest point of structure.

(4) **Site coverage** - Maximum percent of the shoreline area of the site to be developed for:

- a. Single family and duplex units.
- b. Triplex and/or multi-units less than 35 feet in height.
- c. Triplex and/or multi-units more than 35 feet in height.

Areas paved or used for parking, roads, storage, accessory uses, and dwelling units are considered developed land.

**TABLE RD - TABULAR SHORELINE AREA REGULATIONS**

**RESIDENTIAL DEVELOPMENT**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. <u>Shore setbacks</u> (in feet):*						
a. Single family duplex	35	50	50	75	NA	NA
b. Multi-unit less than 35 feet high	70	70	100	150	NA	NA
c. Multi-unit over 35 feet high. Add 5 feet for each 1 foot over 35'.	100	125	150	175	NA	NA
d. Accessory uses	35	35	50	100	NA	NA
2. <u>Sideyard setbacks</u> (in feet):						
a. Single family, duplex	8	8	20**	50	NA	NA
b. Multi-units less than 35 feet high	20	30	50	NA	NA	NA
c. Multi-units over 35 feet high.	30	40	NA	NA	NA	NA
d. Accessory uses, parking	8	8	25	25	NA	8
3. <u>Height limit</u> (in feet)						
a. 0-100 feet from OHWM	35	30	30	25	NA	NA
b. 101-200 feet from OHWM	45	40	40	30	NA	NA
c. Accessory development	15	15	15	15	NA	10
4. <u>Site Coverage</u> - for:						
a. Single family, duplex	40%	30%	30%	15%	NA	NA
b. Multi-units	40%	40%	40%	20%	NA	NA

\* Residential structures shall be setback common to the average of setbacks for existing dwelling units within 300 feet of side property lines or a minimum of 35 feet (for Urban), whichever is greater. If there is only one or no dwelling units within 300 feet of side property lines, then the shoreline setback requirements of Table RD shall apply.

\*\* All existing lots of record in the Rural Shoreline Area prior to the date of this amendment, which is November 22, 1978, shall maintain a sideyard setback of at least eight feet.

## 7.14 **SCIENTIFIC AND EDUCATIONAL RESOURCES**

### 1. **POLICIES**

#### A. **General**

- (1) **Existing legislation** - The provisions and regulations of the National Historic Preservation Act of 1966, the State Historic Preservation Act (RCW 43.51), the Natural Area Preserves Act (RCW 79.70), and Archaeological Sites and Resources Act (RCW 27.53) should be adhered to.
- (2) **Identification** - Resources, sites, and areas having a high potential scientific and educational value should be identified and researched by qualified personnel.
- (3) **Protection** - Scientific and educational resources, especially archaeological and historic sites and natural areas, that are sensitive to shoreline and land modification, development, adverse impact, or encroachment should be protected and/or preserved for future use.
- (4) **Evaluation** - Proposals for shoreline use or development in areas known or suspected to contain material, remains, artifacts, formations, or processes of scientific or educational value, should provide for site inspection or evaluation by qualified personnel to ensure such resources are properly recovered and/or preserved.
- (5) **Permit provisions** - Shoreline permits should contain provisions requiring applicants to notify local government if any potential scientific or educational resources are discovered.
- (6) **Conflicting Uses and Impacts** - Shoreline and land uses adjacent to or near scientific and educational resources should not conflict with or adversely impact the purpose and value of these resource sites and areas.

### 2. **REGULATIONS**

#### A. **Shoreline Area**

- (1) **Urban**

Public and private museums, science centers, educational facilities, interpretive centers, aquariums, historical restorations, and archaeological excavations are permitted as a conditional use.

(2) **Rural Residential**

Public and private museums, science centers, educational facilities, interpretive centers, aquariums, historical restorations, and archaeological excavations are permitted as a conditional use.

(3) **Rural**

Public and private museums, science centers, educational facilities, interpretive centers, aquariums, historical restorations, and archaeological excavations are permitted as a conditional use.

(4) **Conservancy**

a. Public and private museums, science centers, and educational facilities shall be setback 200 feet from the OHWM.

b. Interpretive centers, aquariums, historical restorations, and archaeological excavations are permitted as a conditional use. Such developments shall minimize the number, size, and density of structures and accessory development.

(5) **Natural**

a. Only limited interpretive facilities and historical restoration compatible with the intent and character of the Natural Shoreline Area are permitted as a conditional use.

b. Archaeological excavations are permitted as a conditional use.

c. All other development is prohibited.

(6) **Aquatic**

a. Public and private science centers, aquariums, interpretive facilities, and historical restorations are permitted as a conditional use, PROVIDED such development and

accessories thereto are consistent with the upland Shoreline Area designation.

- b. Underwater marine viewing and/or aquarium facilities are permitted as a conditional use. Upland development associated with such facilities shall comply with the upland Shoreline Area designation.
- c. Archaeological excavations are permitted as a conditional use.

**B. General**

**(1) Notification of finds**

- a. Whenever materials, remains, artifacts, structures, or formations of potential scientific or educational value are uncovered during shoreline development or use whether by permit or statement of exemption, such work shall cease immediately and the find reported to the Planning Department. Failure to comply with this requirement shall be considered a violation of the shoreline permit or statement of exemption.
- b. The Planning Department shall notify appropriate agencies or qualified personnel and request an immediate site evaluation and determination of significance. If a positive determination is not received within ten (10) days of receipt of such request, or if a negative determination is received, such stopped work may resume.
- c. If a positive determination of significance is found, provisions shall be made for appropriate evaluation, recovery, or preservation of materials with arrangements established for compensation due to work, materials or property loss.

**(2) Procedures for known sites**

- a. Proposals for shoreline development or use in or on officially recognized or known scientific, educational, archaeological, or historic sites shall provide for site and material inspection and evaluation by qualified personnel prior to any development activity in or on the site.
- b. Proposals for shoreline development or use in or on known sites or resources that would adversely affect, damage, or diminish such resources is not permitted. Such proposals shall conditionally be allowed if, through adequate evaluation and supporting data from qualified personnel, it is shown that the materials, artifacts, or resources are recoverable and transferable with no adverse impact to either the materials and site or the historic, archaeological, or scientific value of the materials and site together.

(3) **Preservation and restoration activities**

Proposals to enhance scientific and educational sites, resources, or materials, i.e. interpretive facilities, museums, preservation and restoration activities, are permitted as a conditional use.

(4) **Conflicting uses** - Shoreline developments or uses adjacent to or near officially recognized or known scientific, educational, archaeological, or historic sites shall be located, designed, and operated so as not to conflict with or adversely affect the purpose, character, or value of the resources and site.

(5) **Museums, educational and historic facilities**

- a. Public and private museums, science centers, educational facilities, interpretive centers, aquariums, and restoration of historical facilities are permitted as a conditional use and subject to Shoreline Area regulations.
- b. The above developments that are intended for commercial purposes shall comply with the policies and regulations of

"Commercial Development," Section 7.03 and other appropriate chapters.

- (6) **Signs** - Signs and other advertising or notification devices for scientific and educational facilities shall comply with the policies and regulations of "Outdoor Advertising," Section 7.09.

## 7.15 SHORE DEFENSE WORKS

### 1. POLICIES

#### A. **General**

- (1) **Geohydraulics** - Recognizing that erosion, littoral drift, and accretion are primary and inseparable components of the dynamic geohydraulic process that has created much of the unique and scenic shorelines of this county and Puget Sound and that shore defense works may interfere with this process, then such works should be located, designed, and maintained to protect the integrity of these natural shore resources.
- (2) **Coordination** - Recognizing that uncoordinated, piecemeal defense works are costly for individuals, prone to early failure, and likely to increase erosion and resource losses on adjacent shorelines, then defense works should be developed in a coordinated manner among affected property owners and public agencies for a whole drift sector or homogeneous reach.
- (3) **Necessity** - Shore defense works should be permitted for individual lots only where wave erosion threatens buildings or uses of the upland property and where such works will not cause damage to neighboring properties and natural shore features or substantially interfere with geohydraulic processes.
- (4) **Use Conflicts** - Shore defense works should not interfere with public access to publicly owned shorelines, to the water's surface and to other appropriate shoreline and water uses, and should not decrease long term public use potential or needlessly damage shore features and processes if alternatives are feasible.
- (5) **Water quality, fish, shellfish, and wildlife** - Shore defense works should be located, designed, and maintained in such a manner to conserve and enhance water quality, fish, shellfish, and wildlife resources and habitats.

- (6) **New techniques** - As new, environmentally sensitive concepts in shore defense works are developed, they should be considered and evaluated as viable alternatives to present systems.
- (7) **Recreation, scenic, and aesthetic resources** - The existing and potential recreation, scenic, and aesthetic resources of the shoreline environment, particularly accretion shores, should be given serious consideration in review of shore defense work proposals.
- (8) **Landfill** - Shore defense works should not be constructed for the sole purpose of filling shoreline areas.
- (9) **Multiple Use** - Multiple use, including public access, should be encouraged for those publicly owned shorelines and the water's surface where construction of breakwaters, jetties and groins has been permitted.
- (10) **Restoration** - Local programs or coordinated efforts among individuals, private and/or public agencies should be initiated to remove or repair failing, hazardous, or nonfunctioning shore defense works and to restore and/or maintain shore and beach resources with more rational, less hazardous long term measures.

**B. Location - General**

- (1) **Critical Areas** - Shore defense works should not be located where valuable geohydraulic or biologic processes and resources are critical to shoreforms and aquatic life systems, such as feeder bluffs, marshes, or estuaries.
- (2) **Shoreline uses** - should be located in such a manner to eliminate or minimize the need for shore defense works. Existing and proposed uses requiring massive and/or extensive defense works and yet not requiring a shoreline location should be located in other than shoreline areas.

**C. Design - General**

- (1) Recognizing that poorly sited, designed, and constructed shore defense works may eventually fail and may adversely affect the

general shoreline environment and geohydraulics along adjacent and downdrift properties, then such works should be sited and designed by qualified personnel. If possible, geologists or other qualified persons should evaluate the existing upland and shoreline conditions, needs, and requirements and recommend action to avert possible future problems.

**(2) Materials and Processes**

- a. Shore defense works of natural materials and processes such as protective berms, beach feeding, or vegetative stabilization should be utilized. Proposals for structural defense works should indicate reasons for infeasibility of natural materials and processes.
- b. Defense work materials should exhibit the qualities of long term durability, ease of maintenance, flexibility for future uses, and compatibility with shore features, processes, and aesthetics.

**D. Bulkheads**

- (1) Although normal protective bulkheads common to single family residences are exempt from the shoreline permit procedure (RCW 90.58.030 (3-e-ii)), the county, for the benefit of the lot owner and adjacent properties and in the interests of continuity and proper design and construction, should review all proposals for bulkheads to determine if:
  - a. The proposal is or is not exempt from permit procedures.
  - b. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated.
  - c. The proposal is consistent with the intent, policies, and regulations of the Act and this program (RCW 90.58.140(1)).
- (2) Bulkheads for any purpose should not be permitted if they will cause significant adverse erosion or starvation of beaches.

- (3) Bulkheads should not be constructed for the purpose of filling shoreline areas.
- (4) Bulkheads should be located landward of the ordinary high-water mark, foreshore, or protective berms (artificial or natural).

**E. Breakwaters**

- (1) Recognizing the irreversible nature and potential adverse effects from solid breakwaters on shore processes and aquatic systems, then floating, portable, or submerged structures should be seriously considered as alternatives.
- (2) Also recognizing that solid breakwaters partially or totally block shore processes, requiring an ongoing and costly dredging or beach feeding program to alleviate erosion or channel shoaling, then such large scale works should be discouraged.

**F. Jetties and Groins**

- (1) Recognizing that jetties partially or totally block shore processes and are irreversible in nature, requiring an ongoing and costly dredging beach feeding program to alleviate erosion or accretion, then such work should be discouraged.
- (2) Recognizing that groins purposefully trap and accrete beach forming materials yet erode downdrift beaches and may have adverse effects on other shore resources and users, then groins should be discouraged.

**G. Gabions**

Recognizing the limited durability of gabions (wire mesh and concrete or works) and their possible impacts as hazards to shore users and the shore environment, then alternatives consistent with this program should be used in place of gabions.

**2. REGULATIONS**

**A. Shoreline Area**

**(1) Urban**

- a. Breakwaters, jetties, and groins are permitted as a conditional use.
- b. Bulkheads are permitted subject to the General Regulations.

(2) **Rural Residential**

- a. Breakwaters, jetties, and groins are permitted as a conditional use.
- b. Bulkheads are permitted subject to the General Regulations.

(3) **Rural**

- a. Breakwaters, jetties, and groins are permitted as a conditional use.
- b. Bulkheads are permitted subject to the General Regulations.

(4) **Conservancy**

- a. Solid breakwaters, jetties, and groins are not permitted. Floating breakwaters are allowed as a conditional use.
- b. Bulkheads are permitted as a conditional use if it can be demonstrated that other nonstructural means such as protective berms or vegetative bank stabilization measures are infeasible.

(5) **Natural**

Shore defense works are not permitted EXCEPT for shoreline protective berms of natural materials, beach feeding or vegetative bank stabilization measures used for the purpose of Natural Shoreline Area enhancement or protection.

(6) **Aquatic**

- a. Breakwaters, jetties, and groins are permitted as a conditional use offshore of Urban, Rural Residential, and Rural Shoreline Areas. The above are not permitted offshore of Conservancy and Natural Shoreline Areas, with

the exception of floating breakwaters which are allowed as a conditional use offshore of a Conservancy Shoreline Area.

- b. Bulkheads are not permitted EXCEPT as a conditional use for approved water and shoreline dependent or related developments that are consistent with this program.
- c. Protective berms of natural materials and beach feeding are permitted as a conditional use when necessary to restore eroding accretion beaches or to retard adverse erosion along a drift sector.

**B. General**

- (1) **Coordination** - Proposals for groins, jetties, and solid breakwaters shall gain signatorial approval from all shoreline landowners with a one (1) mile radius of the project proposal.
- (2) **Landfilling** - Shore defense works shall not be constructed for the purpose of either filling shoreline areas or providing protection for fill projects in shoreline areas unless for a use consistent with this program.
- (3) **Materials** - Material for shore defense works shall not consist of solid waste, junk or abandoned automobiles, asphalt or macadam, or any building demolition debris.
- (4) **Project information** - The county shall require and utilize the following substantiating information during review of shore defense work proposals:
  - a. Construction materials.
  - b. Method of construction.
  - c. Location of project relative to toe and crest of uplands.
  - d. Normal (average), low, and high water elevations.
  - e. Net direction of littoral drift, tidal currents (if any).
  - f. General direction and speed of prevailing winds.
  - g.\* Profile rendition of beach, uplands.

- h.\* Beach type, slope, and material.
- i.\* Uplands type, slope, and material.
- j.\* Soil types (S.C.S.).
- k.\* Physical or geologic stability of uplands.
- l.\* Predicted impact upon area shore processes, adjacent properties, and upland stability.
- \* Items primarily required for bulkheads and groins.

(5) **Lakes** - Breakwaters, jetties, and groins are prohibited on lakes.

(6) Proposals for new or expanded breakwaters, groins, jetties, and bulkheads requiring a shoreline permit shall be designed and certified by a registered civil engineer.

(7) **Breakwaters**

- a. Floating breakwaters shall be the only type allowed unless it can be shown that solid breakwaters will have no adverse effect on aquatic biology and shore processes.
- b. Breakwaters shall conform to all design requirements of the State Department of Fisheries.

(8) **Bulkheads**

- a. A shoreline permit or statement of exemption shall be required prior to all bulkhead construction on all shorelines. Exception: bulkheads to protect single family residences do not require shoreline permits, RCW 90.58.030 (3-e-iii).
- b. Bulkheads shall be allowed only when evidence is presented that one of the following conditions exist:
  - 1. Serious wave erosion is threatening an established use or existing valuable buildings on upland property.
  - 2. Bulkheads are necessary to the operation and location of shoreline dependent and related activities consistent with this Master Program PROVIDED that all alternatives have proven

infeasible (i.e. location, design) and that such bulkheads meet the policies and regulations of this section, 7.15.

c. Location

1. Bulkheads on marine accretion beaches and along driftways shall be setback a minimum of 20 feet landward of the OHWM and shall parallel the natural shoreline. Exception: for sloping or bluff/cliff shores, bulkheads shall be placed as far landward of the OHWM as feasible.
2. Bulkheads on lake shores shall be located landward of the OHWM and shall parallel the natural shoreline.
3. Bulkheads shall not be located along feeder bluffs, eroding, slumping, or slide prone shorelines or on estuarine, marsh, and wetland shores.

d. Design, construction

1. Bulkheads shall utilize stable, nonerodable, homogeneous materials and shall be constructed to fulfill their intended purpose.
2. Bulkheads shall allow for the passage of surface and ground waters. Ponding and/or soil saturation is not permitted to occur.
3. The tops of bulkheads shall be at least one (1) foot higher than the maximum high water level.

(9) **Gabions** - The use of gabions for shore defense work is not permitted.

(10) **Jetties and groins**

- a. Jetty or groin development which would result in a net adverse impact upon all adjacent and nearby properties and shorelines shall be prohibited.

- b. Artificial beach feeding and enhancement proposals not utilizing jetties or groins shall be preferred over developments requiring the use of those structures.
- c. Jetties and groins shall be allowed only for publicly beneficial purposes and where no adverse impacts will occur to shoreline processes and aquatic biology.

(11) **Beach creation or enhancement** - The creation or enhancement of beaches for the general enjoyment of the public shall be allowed where no adverse impacts will occur to shoreline processes and aquatic and shoreline biology.

## 7.16 SHORELINE STABILIZATION AND FLOOD PROTECTION

### 1. POLICIES

#### A. **General**

- (1) Streamway modification and marine diking programs should be coordinated and monitored to provide for more comprehensive planning of Skagit County's shorelines.
- (2) Recognizing that streamway modifications may cause interference with normal river geohydraulic processes that may lead to erosion of other up and down river shorelines, then such modifications and stabilization measures should incorporate basic geohydraulic principles and be located, designed, coordinated, and maintained for homogeneous river reaches.

Such modifications and measures should be sited and designed by qualified, professional personnel.

#### B. **Design and Location**

- (1) All bank stabilization and flood protection measures should be constructed to comply with the design and location standards and guidelines of applicable agencies.
- (2) Riprapping and other bank stabilization measures should be located, designed, and constructed primarily to prevent damage to agricultural land, public roads and bridges, existing homes and residential areas, or other structures or natural features whose preservation is in the public interest.

Such measures should not restrict the flow of the river or stream.

- (3) **Fish and Wildlife Resources** - Recognizing the value and interdependency of water bodies and associated wetlands as biologically productive habitats and recognizing the intent of the Shoreline Management Act (RCW 90.58.030(2) and WAC 173-22-030), shoreline stabilization and flood protection projects should be located landward of natural wetlands, marshes, and swamps of associated fresh and marine water bodies.

- (4) Braided and meandering channels and associated shoreline areas should not be the locations for intensive land use developments such as those of an industrial, commercial, or residential nature.
- (5) Substantial stream channel direction modification, realignment, and straightening should be discouraged as a means of shoreline and flood protection and for protection of road rights-of-way, navigational routes, and other construction or developmental projects.

**C. Materials**

- (1) Shoreline stabilization and revetment material should consist of substantial rock and should meet the standards and guidelines of the Soil Conservation Service.
- (2) Junk and solid waste should not be permitted for shoreline stabilization and revetment material. Concrete and concrete waste should not be used as stabilization and revetment material.
- (3) Shoreline stabilization programs should utilize natural, perennial vegetation either as stabilization material alone or as complementary to other materials.

**D. Natural Features**

- (1) Natural features such as snags, stumps or uprooted trees which support fish and other aquatic systems, and do not intrude on the navigational channel or reduce flow, and do not threaten agricultural land and existing structures and facilities should be allowed to remain.

**E. Agricultural Practices**

Recognizing the importance of vegetation as an aid to bank stabilization, agricultural operations should encourage grazing practices which enhance vegetation on and adjacent to streambanks. Cultivation to the water's edge should be avoided.

**F. Alternatives**

Shoreline stabilization programs should be encouraged to develop alternative methods of streamway modifications utilizing natural systems of stabilization and geohydraulic principles.

**G. Impacts**

- (1) Recognizing that shorelines of recreation, wildlife, and aesthetic value are limited and irreplaceable resources, then shoreline stabilization and flood protection projects should consider their potential effects and impacts upon such resources.
- (2) Recognizing that the related shoreline stabilization and flood protection activities of filling, grading, lagooning, and dredging may have a substantial impact upon the existing aquatic and biological systems, navigation, and river hydraulics by subsequent erosion and sedimentation, then these activities and their possible impacts should be recognized.

**2. REGULATIONS**

**A. Shoreline Areas**

**(1) Urban**

- a. Shoreline stabilization and flood protection measures are permitted subject to the General Regulations.
- b. Dams and impoundments are permitted as a conditional use.

**(2) Rural Residential**

- a. Shoreline stabilization and flood protection measures are permitted subject to the General Regulations.
- b. Channel modifications and dams and impoundments are a conditional use.

**(3) Rural**

- a. Shoreline stabilization and flood protection measures are permitted subject to the General Regulations.
- b. Channel modifications and dams and impoundments are a conditional use.

(4) **Conservancy**

- a. Shoreline stabilization and flood protection measures are permitted subject to the General Regulations.  
Natural character erosion control measures including current deflectors are to be utilized instead of bank revetments and riprap whenever possible.
- b. Dams and impoundments are permitted as a conditional use.
- c. Channel direction modification, realignment, and straightening are permitted only as a conditional use.

(5) **Natural**

Shoreline stabilization and flood protection measures, dams, impoundments, and channel modifications are prohibited except for vegetative bank stabilization measures.

(6) **Aquatic**

- a. Shoreline stabilization and flood protection measures are permitted only as a conditional use.
- b. Dams and impoundments are permitted as a conditional use only if compatible with the upland shoreline area regulations.
- c. Current deflectors are permitted as a conditional use.

**B. General**

- (1) **Shoreline permit/statement of exemption** - In order to assure that shoreline stabilization and flood protection measures are consistent with this program as required by RCW 90.58.140 (1), no work may commence without the responsible person or agency having obtained either a shoreline permit or statement of exemption from this department.
- (2) **Qualifications for approval** - Shoreline stabilization and flood protection measures shall be allowed only when adequate evidence is presented that one of the following conditions exist:

- a. Significant erosion of agricultural lands.
  - b. High water or erosion threatens public works and properties, including roads, bridges, railroads, and utility systems.
  - c. High water or significant erosion damages or threatens existing homes and residential areas.
  - d. High water or significant erosion damages or threatens to damage existing commercial and industrial uses and developments.
- (3) **Professional design** - The County may require professional design of shoreline stabilization and flood protection works where such projects will cause interference with normal river geohydraulic processes, leading to erosion of other up and down river shoreline properties or adverse effects to shoreline resources and uses.
- (4) **Channel modifications** - River and stream channel direction modification, realignment, and straightening are not permitted unless for substantiated purposes connected with uses consistent with this program.
- (5) **Design and construction**
- a. Existing streambank vegetation shall be preserved to the maximum extent feasible during shoreline stabilization and flood protection work.
  - b. New or expanded dike, revetment, or riprap systems, cut and fill slopes, and backfilled areas shall be progressively planted with compatible, self-sustaining, and soil stabilizing vegetation.
  - c. All works shall allow for the passage of surface and ground waters.
  - d. All works shall be designed and constructed to meet the requirements and standards of the County Engineer, State

Departments of Fisheries and/or Game, Corps of Engineers where applicable, and Soil Conservation Service.

(6) **Materials**

- a. Materials for shoreline stabilization and flood protection works shall not consist of solid waste, junk or abandoned automobiles, asphalt or macadam, or any building demolition debris except that which is used for emergency purposes.
- b. Techniques utilizing totally or in part vegetative bank stabilization procedures shall be preferred over structural means such as concrete revetments or extensive riprap.

(7) **Estuaries and wetlands** - Any proposal to dike, drain, or fill tidelands, estuaries, salt marshes, and associated water bodies and wetlands shall provide a thorough evaluation of the natural productivity of the wetlands to be displaced and the proposed use.

(8) **Dams and impoundments** - Dams and impoundments shall be subject to applicable Shoreline Area regulations.

(9) **Project information** - The county shall require and utilize the following substantiating information during review of shoreline stabilization and flood protection proposals:

- a. River channel hydraulics and floodway characteristics up and down stream from the project area shall be identified contingent upon the extent and nature of project work involved. Updated topography maps or phased (old and recent) aerial photography would be adequate.
- b. Existing shoreline stabilization and flood protection works within the area stipulated above.
- c. Physical, geological, and/or soil characteristics of the area.
- d. Existing and proposed shoreline water uses for the project area and area stipulated above.

- e. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses.

## 7.17 TRANSPORTATION FACILITIES

### 1. POLICIES

#### A. **General**

- (1) **Coordination** - Transportation facility proposals should be consistent and coordinated with all federal, state and/or local planning functions and efforts, including comprehensive plans.
- (2) **Geohydraulics**
  - a. Transportation facilities should be located, designed, and maintained to avoid adverse impacts to, or if necessary, protect the active geohydraulic processes operating along Skagit County's shorelines.
  - b. Transportation facilities should be located and designed to minimize the need for shore defense and shoreline stabilization works.
- (3) **Existing Facilities and Corridors** - Transportation facilities and services should utilize existing shoreline corridors, providing such corridor or facility additions and modifications do not adversely impact the shoreline resource and are otherwise consistent with this program. If expansion of existing corridors will result in significant adverse impacts, then alternative, inland routes should be utilized.
- (4) **Joint Use** - Transportation corridors within shoreline areas should be jointly used by other shoreline related or dependent linear uses, such as utilities, whenever feasible.
- (5) **Multiple Use/Public Access** - Transportation facilities, necessarily located on shorelines and funded in any way by public monies, should provide for public point or linear access along the corridors to publicly owned shorelines and water bodies. Such access or multiple use should not unduly interfere with facility operations or endanger public health and safety. Shoreline trails, viewpoints, rest, and picnic areas are examples of public access.

- (6) **Natural Resources, Processes, and Other Uses** - Transportation facility development, if permitted on shorelines, should not significantly damage, diminish, or adversely effect:
- a. Estuaries, natural wetlands, and marshes.
  - b. Prime agricultural land.
  - c. Natural resources such as, but not limited to, sand and gravel deposits, timber, or natural recreational beaches.
  - d. Fish, shellfish, and wildlife habitats and migratory routes.
  - e. Water quality and quantity.
  - f. Public access to publicly owned shorelines and water bodies.
- (7) **Hazardous Areas** - Transportation facilities and corridors should be located, designed, and maintained to avoid, or if necessary, withstand 100-year frequency flooding and storm tides or surges without becoming hazards and without the placement of massive structural defense works.
- (8) **Non-Motorized Transportation** - This program encourages the provision of safe pedestrian and/or non-motorized vehicle paths, trail systems, and other means along shoreline areas and along abandoned, existing, or proposed railroad, roadway, dikes and utility shoreline rights-of-way.
- (9) **Water Quality** - Transportation facility design, construction, and maintenance activities should adhere to the guidelines, policies, standards, and regulations of water quality management programs and appropriate regulatory agencies.
- (10) **Scenic drives** should receive special attention by proposal reviewers regarding location, design, setback, and construction.

**B. Location**

- (1) Major highways, freeways, and railways should be located away from shorelines wherever feasible.

- (2) All roadways, railways, bridges, and parking areas should not locate:
  - a. in front of feeder bluffs, over driftways, or on accretion shoreforms.
  - b. where river channel direction and alignment is subject to change.
  - c. in or through designated parks, scenic, natural, historic, archaeological, or recreation areas.
  - d. along sensitive shoreline areas such as but not limited to those with steep slopes or soils subject to erosion or sliding.
- (3) Roadways, railways, and bridges necessary to the operation of shoreline dependent and related activities should be allowed on shorelines, provided:
  - a. such facilities avoid or minimally affect the resources above (No. 2).
  - b. existing facility and corridor use is not possible.
  - c. they are consistent with the design policies and regulations of this chapter and program.
- (4) Parking areas for all types of vehicles and for all forms of shoreline activity should not be permitted over water and should be adequately set back to allow for shoreline dependent activities.

**C. Design and Construction**

- (1) All roadways, railroads, bridges, and parking areas, if permitted in shoreline areas, should be designed, constructed and maintained to prevent and/or control all debris, overburden, runoff, erosion, and sedimentation generated from the affected areas.
- (2) **Drainage and floodwaters**
  - a. All transportation facilities, if permitted in shoreline areas, should be designed so as not to adversely affect or interfere with the flow of surface, subsurface, and floodwaters.

- b. Transportation facilities essential to shoreline dependent and related uses should, if possible, parallel the surface drainage flow. If facilities must cross or bisect drainage and tidal flows, they should be constructed as elevated, open structures.

**(3) Construction and maintenance**

- a. All shoreline areas disturbed by facility construction and maintenance should be replanted and stabilized with compatible, self-sustaining vegetation.
- b. Handling and application practices for fertilizers and pesticides should adhere to the guidelines and regulations of applicable regulatory agencies.

- (4)** All transportation facilities, if permitted parallel to shoreline areas, should be adequately set back from immediate shorelines and water bodies and should provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints should not be required to provide buffer areas.

- (5) Parking areas** - Parking areas, if permitted within the shoreline area, should be constructed of permeable materials to minimize runoff and potential erosion and sedimentation.

- (6)** All transportation facilities should be designed and constructed to comply with Skagit County standards.

**D. Impacts**

- (1)** Transportation facilities and corridors should minimize impacts to the shoreline and aquatic environment and to adjacent and nearby land and water uses.
- (2)** Review of proposed transportation facilities should adhere to applicable local, state, or federal environmental impact statement (EIS) procedures and guidelines.

**2. REGULATIONS**

**A. Shoreline Area**

(1) **Urban**

- a. Transportation facilities are permitted subject to the General and Tabular Regulations.
- b. Airports, landing fields, ferry terminals, and float plane related development are permitted as a conditional use.

(2) **Rural Residential**

- a. Transportation facilities are permitted subject to the General and Tabular Regulations.
- b. Airports, landing fields, ferry terminals, and float plane related development are permitted as a conditional use.

(3) **Rural**

- a. Transportation facilities are permitted subject to the General and Tabular Regulations.
- b. Airports are prohibited.
- c. Ferry terminals, landing fields, and float plane related development are permitted as a conditional use.

(4) **Conservancy**

- a. Non-arterial, secondary, and access roads related only to shoreline and water dependent uses and essential water or wetland crossings are permitted subject to the General and Tabular Regulations.
- b. Arterial roads, state and federal highways, airports, landing fields, ferry terminals, and float plane related development are not permitted.

(5) **Natural**

Transportation facilities are not permitted.

(6) **Aquatic**

- a. Land transportation development is not permitted EXCEPT for water or wetland crossings where upland alternatives have been fully proven to be infeasible and for access to

approved water dependent uses, subject to the General and Tabular Regulations.

- b. Ferry terminals and float plane bases are permitted as a conditional use.

**B. General**

- (1) **Other plans, ordinances** - Proposals for transportation facilities shall comply with applicable Skagit County plans and ordinances and any revisions or amendments thereto. In case of conflicting standards or requirements, the stricter shall apply.

- (2) **Floodplains**

- a. Roads and railroads located within the 100-year floodplain subject to this program shall not measurably increase flood levels or profiles and shall not restrict or otherwise reduce floodplain and floodway capacities.
- b. Flood control - Proposals for roads and railroads that are to be used secondarily as flood control or protection structures shall provide additional data on channel profiles, effects on flood level hydraulics, and on potential for enlargement of inundated areas.

- (3) **Location**

- a. Roads, railroads, and other transportation facilities EXCEPT for the exception noted in C. Tabular Regulations, Page 7-124, shall be located landward of:
  - 1. estuaries and their associated wetlands.
  - 2. erosion or accretion shoreforms and associated drift sectors and backshore marshes.
  - 3. officially designated fish, shellfish, and wildlife habitats.
- b. Roads, railroads, and other transportation facilities are not permitted to locate over water EXCEPT to serve shoreline and water dependent or related uses consistent with this

program and unless inland alternatives have been fully proven infeasible.

- c. Roads, railroads, and other transportation facilities shall not block or appropriate public accesses to publicly owned shorelines and water bodies.

**(4) Design, construction, and maintenance procedures**

- a. Water crossings - Transportation facilities that are allowed over water bodies and associated wetlands shall utilize elevated, open pile or pier structures and techniques. The number of water crossings shall be minimal.
- b. Bridge abutments and necessary approach fills shall be located landward of associated wetlands or the OHWM for water bodies without associated wetlands PROVIDED mid-river bridge piers shall be permitted.
- c. Overburden and excavated materials from both construction and maintenance activities including drainage ditch clearance shall not be deposited or sidecasted into or on the shoreline side of roads, or in water bodies, natural wetlands, estuaries, tidelands, accretion beaches, and other associated wetlands.  

Such materials shall be deposited in stable locations where reentry and erosion into waterways is prevented
- d. All excavation materials and soils exposed to erosion by all phases of road, bridge, and culvert work shall be stabilized and protected by seeding, mulching or other effective means immediately upon completion of operations.
- e. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or side cast materials.
- f. Channel alignment - Stream and river channel alignment, flows, and banks shall not be altered unless through county

approval and a Hydraulics Approval is obtained from the Departments of Fisheries or Game.

- g. Erosion control - All surface and drainage systems shall be designed and maintained so as to prevent or minimize and control runoff and sedimentation.
- h. Roadside brush control - Mechanical means shall be preferred over the use of herbicides for roadside brush control. If herbicides are used, they shall be applied so that chemicals do not enter streamways.

(5) **Landfills** - Landfills associated with transportation facility development are not permitted in or on water bodies and all associated wetlands and beaches EXCEPT when all structural or upland alternatives have been proven infeasible and for uses in a location consistent with this program.

(6) **Parking Areas**

- a. Over water parking facilities are prohibited in all shoreline areas.
- b. **Setbacks** - Unless specifically stated in Tabular Regulations for each shoreline use, parking areas for approved shoreline uses shall be located **landward** of the primary facility or activity.
- c. Screening - Parking areas shall be screened from view of shoreline areas and adjacent properties through the planting of compatible, self-sustaining vegetation to be planted within six (6) months of facility completion. Screening should be effective within two (2) years of planting.

(7) **Scenic turnouts, viewpoints**

- a. The filling of shoreline areas, water bodies, and associated wetlands for the purpose of creating scenic drive turnouts and viewpoints is not permitted.

- b. Scenic turnouts and viewpoints shall be adequately landscaped and maintained according to County standards.

**(8) Shoreline road ends**

- a. RCW 36.87.130 prohibits the County from vacating any county road which abuts a body of salt or fresh water except for port, recreational, educational, or industrial purposes.
- b. Development, alteration, or vacation for any purpose of county road ends within the jurisdiction of the Shoreline Management Act shall comply with the provisions of the Act and this program. If the proposed development or vacated use is not consistent with the Act, this program, or RCW 36.87.130, then such vacation is not permitted.

**(9) Air fields, float plane bases** - For airfields, float plane bases, and related uses, see Shoreline Area regulations.

**C. Tabular Regulations**

**Table TF establishes:**

- (1) Shore setback** (in feet) as measured from either the OHWM or, in the case of erosional bluffs or wetlands, from the bluff/cliff crest or wetland edge to the nearest road shoulder or right-of-way, for:
- a. Non-arterial, secondary, and access roads.
  - b. Arterial roads, state and federal highways, railroads, and other major corridor related transportation.

Exceptions: Setbacks do not apply to shoreline point accesses for boat and ferry terminals, marinas and boat launches, other approved shoreline dependent uses, approved water crossings, and proposed non-arterial and secondary roads upland of existing dedicated roads. Road standards related to shoreline uses covered elsewhere in this program, if more stringent than those in this section, shall take precedence.

**TABLE TF - TABULAR SHORELINE AREA REGULATIONS**  
**TRANSPORTATION FACILITIES**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. Shore setback (in feet) for:						
a. Non-arterial, secondary, access roads,	50	75	100	150	NA	NA
b. Arterial roads, highways, railroads	100	150	200	NA	NA	NA

## 7.18 UTILITIES

### 1. POLICIES

#### A. General

- (1) **Coordination** - Utility development proposals should be consistent and coordinated with all federal, state, and/or local planning functions and efforts, including comprehensive plans.
- (2) **Existing use areas** - Utilities, specifically power, communications, and fuel lines and pipelines, should utilize existing rights-of-way and corridors and should avoid duplication and construction of new or parallel corridors.
- (3) **Joint use** - Utilities should coordinate with government agencies and private interests in developing or utilizing joint or common use rights-of-way and corridors in shoreline areas unless it can be shown to be infeasible.
- (4) **Multiple use** - Utility development should, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety, or impose an economic or physical liability on the owner.
- (5) **Natural resources, processes, and other uses** - Utility development, if permitted on shorelines, 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 habitats and migratory routes.
  - d. Geohydraulic processes.
  - e. Water quality.

- f. Public access to publicly owned shorelines and water bodies.

**B. Location**

(1) The following components of utilities, essentially shoreline dependent, should be allowed on shorelines, providing they are located to cause no adverse impacts to the shoreline environment and other users:

- a. Water system intake facilities and outfall pipes.
- b. Sewage system outfall pipes and diffusers.
- c. Waterborne fire fighting facilities and equipment.
- d. Nonpetroleum/nonchemical pipelines and electrical cable crossings.

(2) The following utilities and/or their components, not essentially shoreline dependent, should not be located on shorelines unless it can be shown that non-shoreline alternatives are infeasible:

- a. Water system treatment plants.
- b. Sewage system lines, interceptors, pump stations, and treatment plants.
- c. Electrical energy generating plants (except for dam sites), substations, lines and cables.
- d. Petroleum and gas pipelines.
- e. Accessory uses and administrative structures for utilities.

(3) **Solid waste**

- a. Facilities for processing, storing, and disposing of solid waste on shorelines should not be permitted in conformance with WAC 173-16-060 (14) (1).
- b. Indiscriminate, random disposal of solid waste on shorelines should not be permitted.

(4) Utility development should be located to avoid the following unless it can be shown that non-shoreline alternatives are infeasible:

- a. Natural wetlands, tidelands, lagoons, and estuaries.
- b. Wildlife concentration and nesting areas and migratory flight corridors.
- c. Designated parks, scenic, natural, historic, archaeological, and recreation areas.
- d. Sensitive shoreline areas such as, but not necessarily limited to, those with steep slope or soils subject to erosion or sliding.

(5) **Hazardous areas** - Utilities and their associated structures should be located, designed, and maintained to avoid, or if necessary, withstand 100-year frequency flooding or storm tides and surges without becoming hazards and without the placement of massive structural defense works.

(6) **Petroleum/chemical pipelines and electrical transmission cables** - Petroleum /chemical pipelines and above ground electrical transmission lines should not be located parallel to shoreline areas and water bodies. Such utilities should be allowed to cross shoreline areas and water bodies only if it can be shown that non-shoreline alternatives are infeasible and that the proposed crossing site is consistent with this program.

**C. Design**

(1) **Installation and maintenance**

- a. During installation of utility components and corridors on shorelines, appropriate measures should be taken to prevent and/or control all runoff and erosion from the affected area.
- b. After installation, the affected shoreline area should be regraded to the natural terrain (if necessary), replanted with compatible, self-sustaining vegetation, and maintained until such vegetation is established.
- c. Adequate buffer areas and/or setbacks should be designed and utilized for all utility development in shoreline areas.

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

(2) **Parking areas and access roads** for utility development structures should be located inland from shoreline areas except where public access roads or paths to shorelines are provided. Such facilities should be designed and constructed to county standards and adhere to the policies and regulations of "Transportation Facilities," Section 7.17.

(3) **Underground utilities**

a. Whenever existing overhead or above ground utility distribution facilities along shorelines require replacement or upgrading, or when new systems are planned for new or existing residential density developments, commercial areas, and other developmental shoreline uses, such utilities should be placed underground.

b. Electrical and communication transmission lines should be placed underground whenever technological developments make this technique feasible.

**D. Impacts**

Utility development proposals, if allowed on shorelines, should take all feasible measures to mitigate adverse impacts to the shoreline and aquatic environment and to adjacent and nearby land and water users.

**2. REGULATIONS**

**A. Shoreline Area**

(1) **Urban**

a. Utility development is permitted subject to the General and Tabular Regulations.

b. Hydroelectric generating facilities are not permitted.

c. Water treatment plants, sewage treatment plants, and sewage pump stations are allowed as a conditional use.

(2) **Rural Residential**

- a. Utility development is permitted subject to the General and Tabular Regulations EXCEPT for the below.
- b. Aerial power transmission cable and pipeline crossings of the Rural Residential Area are permitted as a conditional use. Buried or submerged facilities are permitted subject to the General and Tabular Regulations.
- c. All parallel utility lines are permitted subject to the General and Tabular Regulations.
- d. Hydroelectric generating facilities are not permitted.
- e. Water treatment plants, sewage treatment plants, and sewage pump stations are allowed as a conditional use.

(3) **Rural**

- a. Utility development is permitted subject to the General and Tabular Regulations EXCEPT for the below.
- b. Aerial power transmission cable and pipeline crossings of the Rural Shoreline Area are permitted as a conditional use. Buried or submarine facilities are permitted subject to the General and Tabular Regulations.
- c. All parallel and local distribution line crossings are permitted subject to the General and Tabular Regulations.
- d. Hydroelectric generating facilities, including dams, are permitted as a conditional use.
- e. Water treatment plants, sewage treatment plants, and sewage pump stations are allowed as a conditional use.

(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. Water treatment plants, sewage treatment plants, and sewage pump stations are prohibited in the Conservancy Shoreline Area.

**(5) Natural**

- a. Utility development is not permitted.
- b. Maintenance of existing utilities and corridors in the Natural Shoreline Area shall take extraordinary measures in protecting and enhancing the features and purposes therein.

**(6) Aquatic**

- a. Submarine or buried water and sewer pipelines, petroleum pipelines, and sewage system outfalls are permitted as a conditional use and subject to the upland Shoreline Area regulations.
- b. Submarine or buried electrical power and communication cable crossings are permitted subject to the General and Tabular Regulations and subject to the upland Shoreline Area regulations.

- c. Aerial and surface cable and pipeline crossings are permitted as a conditional use and subject to the landward Shoreline Area regulations.
- d. Dams for hydroelectric generation are subject to the upland Shoreline Area regulations.

**B. General**

- (1) **Existing use areas** - Utilities, specifically power, communications, pipelines, and fuel lines shall utilize existing rights-of-way, corridors, and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
- (2) **Prohibited utility developments** - The following utility developments are not permitted to locate in shoreline areas:
  - a. solid waste disposal or treatment sites
  - b. electrical generating plants (except hydroelectric facilities)
  - c. power transmission and distribution substations
  - d. utility accessory uses and administrative structures
- (3) **Floodplains, floodways**
  - a. Floodplain - Utility development that would measurably and adversely affect flood levels and capacities is not permitted.
  - b. Floodway - Utility development that would in anyway adversely affect floodway characteristics and capacities is not permitted.
- (4) **Underground utilities** - All utilities for new subdivisions, mobile home parks, public and private recreation and second home developments, and planned unit developments (PUD) shall be installed underground in shoreline areas.

- (5) **Shore defense works** - Utility developments shall be located and designed so as to avoid the use of any structural or artificial shore defense or flood protection works.
- (6) **Parking areas and access roads** - Parking areas and access roads, unless stated elsewhere in this program, shall be setback landward of the primary utility facility EXCEPT for pipeline and electrical transmission cable right-of-way maintenance roads.
- (7) **Screening and buffer areas** - Utility development allowed on shorelines shall utilize the setback areas for screening of facilities from water bodies. Need and/or type of screening shall be judged on a case by case basis.
- Such screening or buffer areas shall consist of native, self-sustaining vegetation to be planted immediately following utility construction or, in the case of existing vegetation, such vegetation shall be effectively maintained as screening.
- (8) **Landfills** - Landfilling of all shoreline areas for facility or line development purposes is not permitted.
- (9) **Underground utility lines** - For those utility lines allowed in or across shoreline areas and installed underground and/or underwater, the following standards shall apply:
- a. Underwater utility lines shall enter and emerge inland from fresh and salt water banks, dikes, beaches, or shorelands.
  - b. Banks, dikes, beaches, or shorelands where such facilities enter or leave water bodies shall be returned to their pre-construction condition, stabilized with compatible, self-sustaining vegetation, and maintained in a safe condition.
  - c. Underground (or water) utility 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 and EXCEPT for appropriate water or sewage treatment plant intake pipes or outfalls.

(10) **Surface utility lines** - For those utility lines allowed in or across shoreline areas and installed on the surface, the following standards shall apply:

- a. Surface utility lines paralleling water bodies shall comply with the setback standards of the Tabular Regulations.
- b. Surface utility lines shall minimize crossings of shoreline areas and will utilize the shortest, most direct route feasible.
- c. Permitted water crossings requiring structural abutments or approach fills shall set back such facilities landward of the OHWM.
- d. Permitted wetland crossings shall utilize pier or open pile techniques only. Landfills are not permitted.

(11) **Aerial utility lines** - For those utility lines allowed in or across shoreline areas and installed in an aerial manner, the following shall apply:

- a. Aerial utility lines shall minimize crossing of shoreline areas and will utilize existing crossings. See B. 1. Existing use areas, this section.

All crossing shall utilize the shortest, most direct route feasible.

- b. Aerial utility lines shall make maximum use of area topography to minimize visual contrasts.

**C. Tabular Regulations**

**Table U establishes:**

(1) **Shore setbacks** (in feet) from the OHWM, wetland edge, or bluff/cliff crest for:

- a. Utility power transmission lines, buildings, parking areas, and accessory development except for buried and underwater cables, wiring, or pipelines.
- b. Aerial electrical transmission cables and utility pipelines except for approved crossings.

For existing roadways that parallel the shoreline, upland utility development (meaning upland of the roadway and immediate shore) shall meet the setback requirements of applicable Skagit County ordinances.

(2) **Sideyard setbacks** (in feet) for all utility development from side property lines except for power poles, transmission towers and other line structures.

(3) **Height limit** (in feet) measured from the average elevation of the area occupied by the structure for:

- a. Utility buildings, storage tanks (water, nonchemical), accessory developments.
- b. Electrical distribution poles (for local power needs).

**TABLE U - TABULAR SHORELINE AREA REGULATIONS - UTILITIES**

**SHORELINE AREA**

	Urban	Rural Residential	Rural	Conservancy	Natural	Aquatic
1. <u>Shore setback</u> (in feet) from OHWM, wetland edge, bluff crest for:  a. Utility lines, building and accessory uses except buried lines.	75	100	150	200	NA	NA
b. Aerial power transmission cables and pipelines except for crossings.	100	200	200	200	NA	NA
2. <u>Sidyard setback</u> (in feet) for all utility development.	50	75	100	125	NA	NA
3. <u>Height limit</u> (in feet) for:  a. Utility buildings, tanks, accessory uses.	35	20	20	20	NA	NA
b. Electrical distribution poles	35	35	35	35	NA	0