

SMP Workgroup Recommendations

DRAFT SMP POLICIES

February 9, 2011

Section III GENERAL POLICIES AND REGULATIONS

A. Archaeological and Historic Resources

Applicability

~~The following provisions apply to archaeological and historic resources that are either recorded at the State Historic Preservation Office, affected Indian Tribes and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with chapter 25-48 WAC as well as the provisions of this chapter.~~

~~Where archaeological prehistoric or historical resources are either recorded at the State Historic Preservation Office and/or with the City of Bainbridge Island, or where they have been uncovered, the following policies and regulations apply.~~

Policies

- ~~1. Consider adverse impacts to archaeological prehistoric and historic resources, because of their limited and irreplaceable nature as are valuable links to our past and should be considered whenever a development is proposed along the State's shorelines.~~
- ~~1. Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.~~
- ~~2. Ensure public or private uses and activities are compatible prevented from destroying or altering with any site having historic, prehistoric, cultural, scientific or educational purpose or value as identified by the appropriate authorities.~~
- ~~3. Develop guidelines to direct private and public development with regard to historic structures and areas. Require onsite interpretive signs, plaques, or other interpretive and educational measures when a project impacts or retains cultural resources, unless prohibited by law.~~

B. Clearing and Grading

Purpose

Comment [R1]: Added by Staff 1/26/2011

Comment [R2]: WAC 173-26-221(1)(a) Cut and Paste 12/16/2010; Modified by Staff 1/26/2011

Comment [R3]: WAC 173-26-221 (1)(b) Task Force approved 1/26/11

Comment [R4]: Anacortes 4.9.6 11/15/2010

Comment [R5]: Staff recommendation 11/15/2010

The purpose of the clearing and grading section is to ensure that shoreline uses and activities are designed and conducted in a manner to minimize damage to the ecology and environment of the shoreline area.

Applicability

All shoreline uses and activities must conform to the clearing and grading provisions herein, including development which does not require a shoreline permit. (See also Water Quality in subsection K for related provisions.)

Policies

1. Clearing and grading activities should be designed and conducted to minimize impacts to water quality and wildlife habitat. Sedimentation of creeks, streams, ponds, lakes, and wetlands and resulting degradation of water quality should be avoided.
2. Clearing and grading should be limited to the minimum necessary to accommodate permitted shoreline development.
3. Negative environmental impacts associated with clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, bioengineering and/or use of erosion and drainage control methods as well as long term maintenance.
4. Following project completion, remaining disturbed areas should be promptly replanted.
5. Clearing and grading activities should be designed with the objective of maintaining native vegetation areas.
6. For extensive clearing and grading proposals, a clearing and grading plan addressing native species removal, erosion and sedimentation control, and protection of sensitive areas and sensitive area native vegetation zones should be required.

B.E. Native Vegetation Conservation and Management Zones

Definition and Purpose

Applicability

The native Vegetation and Conservation Management zones are a required vegetation protection and management areas which includes buffers, encompassing all shoreline uplands from the OHWM to the dimension within Shoreline Jurisdiction. Dimensional and other standards are established for these management zones based on site specific development and conditions or as specified for that particular shoreline development or shoreline environment. ~~It's~~ The purpose of these management zones is to protect and enhance the Island's natural character, water quality, native plant communities, and wildlife habitat along the shoreline.

Applicability

The native vegetation zone provisions apply to all shoreline development, uses, and activities, including those which do not require a shoreline permit, and to existing development.

Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas.

Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Comment [16]: Existing definition and purpose section omitted from discussion on 12/8/2010. Changes recommended to comply with the intention of the management zones.

Comment [R7]: Added to clarify the tiered management approach of the 200 foot jurisdiction 11/15/2010

Comment [18]: From WAC 173-26-221(5)(a) Changes reflect discussion and decision of Workgroup on 12/8/2010

The native V vegetation Conservation and Management Zones provisions apply to all shoreline development, regulated uses, and activities, including those which do not require a shoreline permit, and existing development only when changes or alterations occur are proposed. As with all master program provision, vegetation conservation provisions apply even to those shoreline uses and development that are exempt from the requirement to obtain a permit. Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures. Standards for the native v Vegetation Conservation and Management zones are established using current scientific and technical information pursuant to WAC 173-26-221(5)(b) and 173-26-201(2)(a), and are based on the use category, shoreline characterization and the environment designation and are provided in Section IV, Environment Designations, Table 4-2. In some cases, the standards are further refined by regulations in Section V, Specific Use Policies and Regulations. (See specifically Section V, subsection K, Residential Development.)

Policies

Goal – Protect and restore shoreline vegetation to maintain and enhance ecological function, human safety, personal property protection, and shoreline views and vistas.

1. Maintain existing shoreline vegetation and marine riparian zones to protect ecological functions and/ or processes from adverse impacts of uses, activities and developments within the shoreline jurisdictions. Preservation of native plant species is key to maintaining the ecology of the shoreline as well as preserving the Island’s character.

2. Emphasize the use of N native plant species communities within the shoreline jurisdiction should be protected, maintained and enhanced. to maintain the ecological function and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline uses, activities and developments.

3. Provide alternative dimensional standards for shoreline buffers and building setbacks that are based on performance standards designed to protect shoreline ecological functions and ecosystem-wide processes, including considering alternatives to planting native species if it can be demonstrated that the same ecological functions can be provided.

4. Use monitoring programs to ensure the protection of shoreline ecological functions within the Vegetation Conservation and Management zones, particularly when non-native plant species are used as an alternative to native plants.

~~5.3~~ Encourage the restoration or enhancement of shoreline vegetation through incentive programs. Degraded shorelines should be restored to provide native habitats and enhance water quality.

~~4.~~ Development should preserve existing environmental features to minimize disturbance of natural systems.

~~6.5~~ Establish Shoreline A native V vegetation Conservation and Management zones immediately upland of OHWM for each shoreline use and shoreline environment

Comment [R9]: This is to cover rare cases when an action is taken without proper permits.
11/15/2010

Comment [I10]: Added language from WAC 173-26-221(5)(a):
12/8/2009

Comment [I11]: Incorporated based on Workgroup discussion of 12/8/2010

Comment [I12]: New Goal
12/8/2010 and approved by Workgroup

Comment [R13]: Workgroup Comment

Comment [R14]: Douglas County 11/15/2010

Comment [R15]: Workgroup Comment
12/2/2010

Comment [I16]: Updated with WAC 173-26-221(5)(b)
Modified by Workgroup 12/8/2010 to remove "and shoreline setbacks" ---language from WAC 173-26-221(5)(b) included.

characterization, should be established recognizing the pattern of development, and ecology of the shoreline ecological functions and ecosystem wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a).

7. **Site-specific** dimensional standards within Vegetation Conservation and Management zones should be established for shoreline use, activity, or development at the time of a proposal. Standards must protect ecological functions of the shoreline and should consider land use patterns to minimize the number of existing structures that would not conform to standards of the management zones.

Comment [I17]: Revised to reflect Workgroup discussion of 12/8/2010

8. ~~The City should~~ Implement a public education program emphasizing the importance of shoreline vegetation management.

9. **Selective** vegetation clearing for views should be allowed for new development and to maintain views from existing residences when slope stability and ecological functions are not compromised. Trimming and pruning are generally preferred over removal of native shoreline vegetation.

Comment [I18]: Modeled from Jefferson Co. Policy #4. Modified by Workgroup on 12/8/2010, removing language "however, landowners should not assume that an un-obstructive view of the water is guaranteed."

Land Surface Modification Policies

Comment [I19]: Moved from Section III B, Clearing and grading.

1. Allow alteration of the natural landscape only in association with existing legal uses or new permitted or allowed shoreline use/or development. **Prohibit speculative clearing, grading, or vegetation removal.**

Comment [RE20]: Anacortes Policy 6.5.1 11/15/2010

2. ~~4.~~ **Avoid and minimize potential adverse impacts from land surface modification activities through proper site planning, construction timing practices, and use of erosion and drainage control methods. Generally, these activities should limit alteration of the natural landscape to the extent necessary to accommodate the proposed use, or to remove invasive vegetation, and should be designed and located to protect shoreline ecological functions and ecosystem-wide processes. Clearing and grading activities should be designed and conducted to minimize impacts to water quality and wildlife habitat. Sedimentation of creeks, streams, ponds, lakes, and wetlands and resulting degradation of water quality should be avoided.**

Comment [R21]: Provide Definition Workgroup Comment. Modified by Workgroup 12/8/2010 moving second sentence to beginning.

Comment [RE22]: Kirkland Policy SA-10.3 with "maximum" removed from last sentence 11/15/2010

Comment [R23]: Provide Definition

Comment [RE24]: Anacortes Policy 6.5.2 11/15/2010

3. **Assure clearing and grading activities are consistent with the Stormwater Manual to prevent adverse impact to wildlife habitat, streams, lakes, and wetlands from erosion.**

Comment [R25]: Provide Definition

2. Clearing and grading should be limited to the minimum necessary to accommodate permitted shoreline development.

3. ~~Negative environmental impacts associated with clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, bioengineering and/or use of erosion and drainage control methods as well as long-term maintenance.~~

4. **For clearing and grading proposals, provide a clearing and grading plan addressing native species removal, erosion and sedimentation control, and protection of critical areas and shoreline**

Comment [LH26]: Former policy #6

Comment [I27]: Modified to reflect Workgroup discussion 12/8/2010

vegetation conservation and management zones. Use low impact development techniques to minimize adverse impacts to natural hydrologic conditions, such as soil compaction and transpiration.

~~5. Clearing and grading activities should be designed with the objective of maintaining native vegetation areas.~~

5.4. Promptly replant disturbed areas following project completion, remaining disturbed areas should be promptly replanted. Replanting with native shoreline vegetation should be a priority, however, flexible planting plans that incorporate non-native plant species which provide similar functions can be considered.

~~6. For extensive clearing and grading proposals, a clearing and grading plan addressing native species removal, erosion and sedimentation control, and protection of sensitive areas and sensitive area native vegetation zones should be required.~~

C. Environmental Element Environmental Impacts

Purposed

Minimizing the impacts shoreline uses and activities have on the environment is a key purpose of the Shoreline Management Act. This section addresses those issues.

Applicability

All shoreline uses and activities, including development which does not require Shoreline permit, must conform to these environmental impact provisions.

Policies

Goal: Minimize impacts shoreline uses and activities have on the environment

~~The adverse environmental impacts of shoreline uses and activities should be minimized during all phases of development (e.g. design, construction, and management).~~

1. Ensure all shoreline uses, activities and developments are designed and located in a manner that prevents or mitigates adverse impacts to shoreline ecological function and ecosystem wide processes, including the use of the avoid, minimize, rectify, reduce, compensate mitigation sequence; and make available flexible alternatives to accommodate preferred shoreline uses.

2. Ensure, through appropriate monitoring and enforcement measures, that all required conditions are met, improvements installed, and properly maintained.

3. Promote shoreline uses and activities within critical areas, such as public access on publicly owned lands, which do not cause significant adverse impacts to ecological functions and ecosystem-wide processes.

4. In assessing the potential for new uses, activities and developments to cause adverse impacts, the City should take into account all of the following:

- i. Effects on ecological functions and ecosystem processes; and

Comment [I28]: Modified to reflect Workgroup discussion 12/8/2010

Comment [I29]: Moved to new Policy #4.

Comment [RE30]: New Title, Move to General Policies

Comment [I31]: Existing policy turned into goal to reflect existing purpose statement that is being eliminated. 12/9/2010

Comment [RE32]: Anacortes Policy 6.3.5 11/15/2010

Comment [I33]: Policy revised to add "publicly owned land" by Workgroup on 12/9/201

Comment [RE34]: Anacortes Policy 6.3.6 11/15/2010

Comment [RE35]: Jefferson County Policy Section 6 1.A.2 11/15/2010

- ii. Effects that occur on-site and effects that may occur off-site; and
- iii. Immediate effects and long-term effects; and
- iv. Direct effects of the project and indirect effects; and
- v. Individual effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and
- vi. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.

5. To provide for comprehensive management strategies for shoreline areas, integrate planning and regulatory measures, such as those within the comprehensive plan, regional watershed plans, or state and federal regulations.

Comment [I36]: Moved from Critical Area new policy #8. Workgroup revised for clarity. 12/8/2010

D. Critical Areas Environmentally Sensitive Areas

Applicability

Environmentally sensitive areas are primarily regulated through the Bainbridge Island Municipal Code, Chapter 16.20, Environmentally Sensitive Areas. The provisions in the Master Program supplement those regulations and apply to all uses and activities, including those which do not require a shoreline substantial development permit.

This section provides policies and regulations that apply to critical areas including critical saltwater and freshwater habitats as defined by WAC 173-26-221(2)(c)(iii) and (iv), including those portions of streams and wetlands, and flood plans. These policies and regulations apply in addition to the critical areas protection standards for fish and wildlife habitat conservation areas found in Appendix XX.

Comment [I37]: Workgroup agreed to streamline applicably section. 12/3/10

Goal – Comprehensively manage shoreline uses and activities to protect, enhance and restore existing ecological functions and ecosystem-wide processes of critical areas by utilizing the most current, accurate, and complete scientific and technical information.

Comment [R38]: Workgroup agreed to streamlined version 12/3/2010

1. Protect shoreline resource areas. Unique, rare, and fragile shoreline resources including, but not limited to, critical areas; aquifer recharge areas including fish and wildlife habitat conservation areas and critical saltwater habitats, marshes, bogs, swamps, streams, and tidal lagoons.

2. Encourage development proposals to include elements of preservation, conservation, restoration, or enhancement of critical areas, including saltwater habitat and fish and wildlife conservation areas through incentives and ecosystem-wide restoration planning.

3. ~~2.~~ All shoreline uses and activities should be located, designed, constructed, and managed in ways which protect and/or do not adversely affect those natural features which are valuable, fragile, or unique assures no net loss of shoreline ecological function and ecosystem-wide processes and protects critical saltwater habitat, including fish and wildlife habitat conservation areas.

Comment [R39]: New Policies #1 - #4 changes made to reflect workgroup comments from the matrix. 11/15/2010

~~4.3. Locate and design shoreline uses, activities, and/or developments to avoid risks to people and property. Development should be located away from shorelines that have been identified as unstable and/or sensitive to erosion to prevent hazardous conditions and property damage as well as to protect valuable environmental features. See also Section IV, Environment Designation, Subsection E Conservancy Environment for additional provisions.~~

~~4. Some areas, because of unique and/or fragile geological or biological characteristics, should be protected from public access (e.g., wetlands, shoregrass, kelp beds, etc.).~~

~~5. Ensure that proposed shoreline uses, activities and/or developments, which are located in areas adjacent to critical area features or their buffers, will not adversely impact critical areas; including fish and wildlife habitat conservation areas and critical saltwater habitats, or ecological function and/or processes. In areas adjacent to environmentally sensitive features and their native vegetation zones use intensities should be regulated to protect environmentally sensitive features.~~

~~6. Promote and manage shoreline uses and activities, such as public access and recreation, that are compatible with critical areas, provided they do not adversely impact ecological function.~~

~~7. Monitor critical areas, including saltwater habitats, and fish and wildlife habitat conservation areas, to assure that these areas are not being adversely impacted by approved development or restoration projects.~~

E. Native Vegetation Zone

Definition and Purpose

~~The native vegetation zone is a required vegetation buffer encompassing all uplands from the OHWM to the dimension specified for that particular shoreline environment. Its purpose is to protect and enhance the Island's natural character, water quality, native plant communities, and wildlife habitat along the shoreline.~~

Applicability

~~The native vegetation zone provisions apply to all shoreline development, uses, and activities, including those which do not require a shoreline permit, and to existing development. Standards for the native vegetation zone are based on the use category and the environment designations and are provided in Section IV, Environment Designations, Table 4-2. In some cases, the standards are further refined by regulations in Section V, Specific Use Policies and Regulations. (See specifically Section V, subsection K, Residential Development.)~~

Policies

Comment [R40]: Staff Note: Need to considered definition to include all areas mentioned in the WAC. 12/6/2010

Comment [R41]: WAC 173-26-221(2)b)(v) 11/15/2010

Comment [RE42]: Workgroup agreed to policy revisions and to move to Environment Element in General Policies. 12/8/2010

Comment [I43]: Moved to Section III. B, Vegetation Conservation & Management Zones

1. ~~Preservation of native plant species is key to maintaining the ecology of the shoreline as well as preserving the Island's natural character.~~
2. ~~Native plant communities within the shoreline jurisdiction should be protected, maintained, and enhanced.~~
3. ~~Degraded shorelines should be restored to provide native habitats and enhance water quality.~~
4. ~~Development should preserve existing environmental features to minimize disturbance of natural systems.~~
5. ~~A native vegetation zone, immediately upland of OHWM, should be established for each shoreline use and shoreline environment, recognizing the pattern of development and the ecology of the shoreline.~~
6. ~~The City should implement a public education program emphasizing the importance of maintaining native vegetation in the shoreline.~~

F. Parking

Applicability

The following provisions apply only to parking that is accessory to a permitted shoreline use. Parking as a primary use is prohibited within the shoreline jurisdiction. Additional parking regulations in the BIMC Chapter 18, Zoning, may apply.

Policies

1. Parking should directly serve a shoreline use and be sensitive to adjacent shorelines and properties. Encourage accessible parking for road ends. Restrict parking facilities for motorized transportation within the shoreline jurisdiction, except for ADA services. Encourage parking facilities for non-motorized transportation.
2. Parking facilities should be located, designed, constructed, and operated to minimize adverse impacts to water quality, aesthetics, public access, vegetation and habitat, stormwater runoff, noise, and glare. Low impact development techniques, such as permeable surfaces and/or rain gardens (bio-retention cells), should be required of all parking, including single family residences where suitable site conditions exist.
3. Design and locate parking to serve more than one use (e.g., recreational use on weekends, commercial uses on weekdays). Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g., recreational use on weekends, commercial uses on weekdays).

G. Public Access - Visual and Physical

Principles Purpose

1. ~~The provisions in this section recognize that there are two types of "public access" to the shorelines of Bainbridge Island. One type is **visual** public access—that is, the public's ability to see the island's shorelines. The second type is **physical** public access—that is, the public's ability to reach and touch the water's edge. Possible ways to provide for such visual~~

Comment [I44]: Amendment made 1/26/2011 to reflect Task Force and Workgroup comments.

Comment [R45]: Added to reflect Task Force comments 1/26/2011. Modified to replace services with "facilities"

Comment [R46]: Added as Task Force comment 2/3/2011

Comment [I47]: Replaced with WAC 173-26-221(4)(b) "Principles".

- and/or physical public access include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress points, and parking.
2. ~~With respect to private property, the following provisions are **not** intended to require property owners to **increase** the public's visual or physical access to Bainbridge Island's shorelines. With respect to future development on private property, the fundamental principle underlying this section's provisions is that such development should not result in a net loss of the public's currently existing visual and physical access to the Bainbridge shoreline.~~
 3. ~~With respect to public property, the following provisions are intended to promote an **increase** in the public's visual and physical access to the Bainbridge shoreline, in a balanced manner, through mechanisms such as the further improvement of existing public property and potential future acquisition of additional public property.~~
 4. ~~"Scenic vista" protection is still another aspect of public access and an important shoreline management objective. Consideration must be given to protecting the shoreline's visual quality and to maintaining view corridors to and from waterways and their adjacent shoreland features.~~

The provisions of this section are intended to:

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
2. Protect the rights of navigation and space necessary for water-dependent uses.
3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.

Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access provisions apply to all shoreline as prescribed by this program.

Goal: Provide, maintain and enhance a safe, convenient and balanced system of visual and physical public access to the shoreline which includes a diversity of opportunities for the public to enjoy the shorelines of the state, including access for people with disabilities to the extent feasible, while recognizing or acknowledging the fragile natural features of the shoreline and the rights of private property ownership.

Policies

1 || The City should establish Develop, adopt and implement a comprehensive shoreline public access plan that incorporates public access into new shoreline development, unifies individual public access points into a system plan, and seeks new waterfront access points to provide the public with increased visual and physical shoreline access through appropriate means such as land acquisition, incentives and enhancement of publicly held land enhancement of publicly held

Comment [148]: From WAC 173-26-221(4)(a)
11/15/2010

Comment [149]: Modeled after Anacortes Goal 4.5. B
11/15/2010

Comment [150]: Modeled after Jefferson Co. 4.B.1
11/15/2010

land, incentives, easements, land acquisition, and other appropriate means. The plan should consider the following methods:

- a. ~~Acquisition of land and/or easements.~~
- b. ~~Incentives for providing visual and/or physical access.~~
- c. ~~Requirements for public access when new development.~~
- d. ~~Is located in the Urban environment.~~
- e. ~~Is a nonresidential development.~~
- f. ~~Includes multi residential uses of five or more building lots.~~

2. Locate, design, manage and maintain public access in a manner that protects shoreline ecological functions and processes and the public health and safety.

3. ~~8.~~ Preserve and enhance physical and visual shoreline access. Shoreline development, uses, and activities should not unreasonably impair or detract from the public's physical and visual access to the water. Development provisions, such as height limits, setbacks and view corridors, should be utilized to minimize impacts to existing views from public property or substantial numbers of residences. Physical public access shall have priority over maintenance of views from adjacent properties, unless there is a compelling reason to the contrary. View enhancement should not adversely impact the ecological functions of shoreline vegetation.

4.2. Expand the amount and diversity of public shoreline access opportunities and promote ~~in~~ single family residential areas emphasis should be placed on providing public access to the water via unopened road rights-of-way ("road ends") and public utility corridors and easements (where possible), with a goal of providing comparable access in all each neighborhoods.

3. Acquisition of small, unbuildable lots should be considered as a way to increase opportunities for the public to enjoy the shoreline.

4. Intense public use, as opposed to neighborhood use, of the shoreline should be limited to parks and the Urban environment.

5. New commercial use development or development by public entities must include public access to the shoreline as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

~~Upland~~ Where feasible, public access should be provided parallel to the beach (such as a walking/bicycling path or promenade) ~~and should be provided~~ waterward of all buildings in all commercial ~~and~~ all Urban environment development, ~~unless it cannot meet minimum requirements for health and safety.~~

6. The Winslow Waterfront Trail should be completed and protected through acquisition, easement dedication, or other appropriate means.

7. ~~Consider p~~Public access, both visual and physical, as a condition of approval for ~~should be considered in the review of~~ any new private or public shoreline development which diminishes existing public access or increases demand for public access commensurate with the impacts of such development and the corresponding benefit to the public. In such cases, public access should be required unless health, safety, or environmental protection needs cannot be met.

Comment [I51]: Whatcom Co. 23.20.03.B.1

Comment [LH52]: Former #8 plus language from WAC 173-26-221(4)(d)(iv) and intent of former Policy #15 12/15/2010

Comment [LH53]: Combined with former Policy #11 and Anacortes Policy 4.5.12 Task Force agreed to change to "al neighborhoods" - 12/15/2010

Comment [LH54]: Addressed in #1.

Comment [I55]: 12/15/201 Task Force discussed including "multi-family" in this sentence. Split vote 4/4. Task Force agreed to combine with new policy "New development by public entities and private commercial uses must include public access to the shoreline as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment."

Comment [I56]: Task Force agreed to include other means of protection. 12/15/2010.

~~8. Shoreline development, uses, and activities should not unreasonably impair or detract from the public's physical and visual access to the water.~~

~~89. Public access should be designed to avoid or minimize adverse impacts to provided without adversely affecting the shoreline environment; to minimize impacts to private property and individual privacy; to distinguish between public and private property; and to ensure public safety.~~

~~910. City-owned shorelines should be reserved for water-dependent or public recreational uses, or maintained as open space.~~

~~11. Public visual and physical access should be maintained or enhanced on shoreline street ends, public utility corridors and easements (where possible), and public rights-of-way.~~

~~12. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.~~

~~13. Public and private spaces should be clearly marked and/or separated to avoid unnecessary user conflicts, and such marking/separation should be done in a way that does not unreasonably obscure views.~~

~~1014. Shoreline and water views from public upland areas should be preserved and enhanced where it would not risk environmental damage. However, such vegetation removal should achieve a filtered view and should not be excessive. (This policy does not apply to native vegetation zones.)~~

~~15. Development should minimize visual impacts to the natural shoreline landscape.~~

H. Shorelines of State-wide Significance

Purpose

The Shoreline Management Act shoreline areas as shorelines of state-wide significance (SSWS). Because these shorelines are resources from which all people in the state derive benefit, preference is given to uses which favor public and long-range goals.

Applicability

Within the City's jurisdiction all those areas lying seaward from the line of extreme low tide are shorelines of state-wide significance. [RCW 90.58.030 (1)(e)(iii) or its successor].

Policies (In order of preference)

1. Recognize and protect the state-wide interest over local interest.
 - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the Master Program, and any amendments thereof affecting

Comment [R57]: Add to Policy #3
11/15/2010

Comment [LH58]: Combined with former Policy #12 & #13

Comment [R59]: Moved to New Policy #4
12/15/2010

Comment [R60]: Moved to New Policy #8
12/15/2010

Comment [R61]: Moved to New Policy #8
12/15/2010

Comment [I62]: Task Force agreed to retain the policy, but eliminate the last sentence in parentheses.
12/15/2010.

Comment [R63]: Moved to New Policy #3

- Shorelines of State-wide Significance, to State agencies, adjacent jurisdictions, citizen's advisory committees and local officials, and state-wide interest groups.
- b. Recognize and take into account State agencies' policies, programs, and recommendations in developing and administering use regulations, and in approving shoreline permits.
 - c. Solicit comments, opinions, and advice from individuals with expertise in ecology, geology, limnology, aquaculture, and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
 3. Result in long-term over short-term benefit.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 - b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
 - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
 4. Protect the resources and ecology of the shoreline.
 - a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem including, but not limited to, stability, drainage, aesthetic values, and water quality.
 - b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of, and to minimize adverse impacts on, fish and wildlife resources including spawning, nesting, rearing, and habitat areas and migratory routes.
 - c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.
 - d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands, and gravel bars should be left undisturbed by shoreline development.
 5. Increase public access to publicly owned areas of the shorelines.
 - a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines, and to upland parking.
 - b. Locate development landward of the ordinary high water mark.
 - c. Limit public access when environmental or habitat values warrant such limitations.
 6. Increase recreational opportunities for the public on the shoreline.
 - a. Plan for and encourage development of facilities for recreational use of the shorelines.

I. Signs

Applicability

Signs are regulated through BIMC 15.08, Sign Code. The following policies apply to all signs

Comment [I64]: Revisions added 2/1/2011

Comment [R65]: Changed per Task Force agreement 2/7/2011

within the jurisdiction of the Shoreline Master Program including signs used for the purpose of providing information related specifically to enhancing the public enjoyment of the shorelines through education and/or noting areas of special cultural or historical significance. These policies do not apply to publicly owned signs where the purpose is to provide information regarding safety, directions, and the like.

Policies

1. Signs should be designed and placed so they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere, during daylight or non-daylight hours, with visual access to the water or shorelands.
3. Signs should be of a permanent nature, should serve an approved use, and should be located on the property approved for such use.

Comment [166]: Change to reflect Workgroup concern with night lighting of signs 2/2/2011

Comment [167]: Amended for clarity. 2/2/2011

J. Utilities (Accessory)

Applicability

~~Accessory utilities are associated with all types of shoreline development. These provisions apply to all development, including that which does not require a shoreline permit. (Refer to Section V, Specific Shoreline Use Policies and Regulations for primary use utility provisions.)~~

Comment [168]: This section deleted and combined in Section V. M, Utilities –1/26/2011 based on committee comments.

Policies

1. ~~Utilities are necessary to shoreline uses and should be properly installed and operated to protect the shoreline and water from degradation.~~
2. ~~Utility facilities and rights of way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.~~
3. ~~Utility facilities should be designed and located in a manner which preserves the shoreline ecology and the natural landscape and minimizes conflicts with existing and planned land uses.~~

J. K. Water Quality

Principles Purpose

Maintaining high water quality standards and restoring degraded systems is mandated in the Shoreline Management Act (RCW 90.58.020 or its successor). Water quality is affected in numerous ways by human activity. The increase in non-porous surfaces that accompanies development increases surface water runoff, which causes scouring and erosion of streambanks. Erosion increases suspended solid levels and carries heavy metals, household wastes, and excess nutrients into the water. Increased nutrient enrichment depresses dissolved oxygen levels. This degradation of water quality adversely impacts wildlife habitat and public health. The purpose of these provisions is to minimize water quality impacts of shoreline uses and activities.

Applicability

These provisions apply to all shoreline development, including that which does not require a Shoreline Substantial Development Permit.

Policies

Goal: Maintaining high water quality standards and restoring degraded systems is mandated in the Shoreline Management Act (RCW 90.58.020 or its successor). The purpose of these provisions is to maintain existing water quality, restore impaired water bodies and minimize water quality impacts of shoreline uses and activities.

1. Require ~~All shoreline uses and activities, and developments, including sewers and/or septic systems, should~~ to be located, designed, constructed, and maintained to avoid or minimize adverse impacts to water quality, and fish and wildlife resources including spawning, nesting, rearing, feeding areas, and migratory routes quantity, or hydrology.

2. Ensure that shoreline uses, activities, and developments are consistent with the City's Stormwater Management Plan and Stormwater Ordinances. Protect ecological functions and/or processes by avoiding and minimizing adverse impacts to water quality through ~~Setbacks, shoreline native vegetation conservation management zones and stormwater management zones, and stormwater management should be required to minimize negative impacts to water quality.~~

3. ~~Surface water runoff should be treated on site, unless precluded by slope or other sensitive area conditions.~~

4. ~~Dredging and filling should be conducted to minimize impacts to water quality and should be consistent with applicable agency policy (e.g. Washington State Department of Fish and Wildlife, U.S. Army Corps of Engineers).~~

3. Use effective public education programs, site planning and best management practices to avoid or minimize ~~the need for chemical fertilizers, pesticides, herbicides, fungicides that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions.~~

4. Encourage the use of low impact development techniques as water quality treatment of surface water runoff, unless precluded by soil conditions, slope or other sensitive area conditions.

Section K. Shoreline Restoration and Enhancement

Applicability

This section provides for restoration and enhancement of ecologically impaired areas with the goal of achieving a net gain in shoreline ecological functions and ecosystem-wide processes above the baseline conditions as of the adoption of this shoreline master program. Restoration and enhancement provisions apply to activities and projects proposed and conducted specifically for the purpose of establishing, restoring, or enhancing ecological functions within shoreline upland, beach and/or aquatic areas measured below the ordinary high water mark (OHWM).

Goal: Over time, create net ecosystem-wide improvement in the shoreline environment by improving impaired shoreline ecological functions and processes, which have been degraded or diminished. This will be accomplished through voluntary and incentive-based public and private

Comment [I69]: Moved from existing purpose statement as agreed by the Workgroup 12/8/2010

Comment [I70]: Eliminated by Workgroup 12/2/2010

Comment [I71]: Changes reflect Workgroup agreement of 12/8/2010

Comment [R72]: Moved to Regulations

Comment [R73]: Covered in Dredge Section

Comment [I74]: Minor changes approved by Workgroup 12/8/2010

Comment [I75]:
Restoration component referenced in RCW 90.58.020 : "The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration and preservation."
This section combines with former Section VI, Beach Enhancement.

A restoration plan restoring ecological functions and ecosystem-wide processes is required by WAC 173-26-186 *(c) and WAC 173-26-201(2)(f)

Comment [I76]: Staff added after 12/15/2010 meeting.

Comment [I77]: (Modified Kirkland Goal SA-12 + Jefferson Co. Goal 6B + Whatcom Co.. Goal 23.20.10.A)
Task Force agreed to eliminate "as a result of past or proposed activities" – 12/15/2010

"net ecosystem-wide improvement" phrase proposed in Workgroups discussions--Task Force agreed this phrase is appropriate for use in restoration policies. 12/15/2010

programs and actions that restore and enhance shoreline areas prioritized through a restoration plan.

1. Restoration and enhancement actions will improve shoreline ecological functions and processes and should be designed using principles of landscape and conservation ecology. The primary goal being to restore and/or enhance physical and biological ecosystem-wide processes that create and sustain shoreline habitat structures and functions.

2. Encourage and facilitate cooperative shoreline restoration and enhancement programs between local, state, and federal agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.

3. Target restoration and enhancement actions to improve habitat requirements of priority species, such as Chinook and other species; and/or locally important plant, fish and wildlife species; and/or other populations or habitats for which a prioritized restoration or recovery plan is available.

4. Integrate restoration and enhancement with other natural resource management efforts such as Puget Sound Salmon recovery planning, West Sound Watershed planning and WRIA 15 Watershed Management planning.

5. As feasible, include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline through project mitigation and incentive-based restoration.

6. Seek funding from state, federal, private and other sources to implement restoration and enhancement, and provide support to restoration work, by identifying shoreline restoration priorities and organizing information on available funding sources for restoration implementation.

7. Encourage restoration and enhancement projects by developing project permitting and processing guidelines that will streamline the review of restoration-only projects.

8. Explore the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

9. All shoreline restoration and enhancement projects should avoid adverse impacts to existing saltwater critical areas, fish and wildlife habitat conservation areas, water quality, and flood holding capacities.

10. Shoreline restoration and enhancement projects are intended to restore or enhance a shoreline in conjunction with shoreline stabilization, recreational enhancement, and aquatic habitat creation or restoration, and shall not be utilized to create new land area along the shoreline below the OHWM or to raise the elevation to create dry upland areas.

Comment [178]: Staff added after 12/15/10 Task Force meeting to reference the need for a restoration plan.

Comment [179]: (Combined Anacortes Policies 9.10.1 and 9.10.2) 11/15/2010
12/15/2010

Comment [180]: (Modified Whatcom Co. 23.20.10.B.2 + Jefferson Co. 6.B.2) 11/15/2010
12/15/2010

Comment [181]: (Combined Anacortes Policy 9.10.2, Whatcom Co. 23.20.10B 4; + Jefferson Co. Policy 6.3) 12/15/2010

Comment [182]: (Combined Kirkland SA-12.1; Whatcom Co. 23.20.10.B.5; and Jefferson Co. Policy 6.B.5) 12/15/2010

Policy revised and broken into two policies (4 & 5) based on Task Force discussion of 12/15/2010.

Comment [183]: Revised policy language from former Beach Enhancement Policy Section #4 (Kirkland SA-12.1) 12/15/2010

Comment [184]: (Anacortes 9.10.3; and Jefferson Co. Policy 6.B.4) 12/15/2010

Comment [185]: (Modified Anacortes Policy 9.10.4) 12/15/2010

Comment [186]: (Modified Anacortes Policy 9.10.5) 12/15/2010

Comment [187]: Replaces former Beach Enhancement Section Policy #1. 12/15/2010

Comment [188]: Replaces former Beach Enhancement Section Policy #2. 11/15/2010

11. Supplementary beach nourishment should be encouraged where existing shoreline stabilization is likely to increase impoverishment of existing beach materials at or downdrift from the project site and should be coordinated with an Island-wide shoreline restoration plan.

12. Shoreline stabilization should incorporate beach restoration or enhancement in accordance with the restoration provisions of this master program.

Nonconforming Development

Applicability

This section applies to shoreline uses or structures which were lawfully constructed or established prior to the effective date of the Master Program, but which do not conform to present regulations or standards of the Master Program or the policies of the Shoreline Management Act.

Goal: It is the purpose of this program to ultimately, over time, have structures and uses conform to the provisions of this program. Uses and structures that do not conform to the standards of this program should be eventually phased out or brought into conformity as completely as possible, with due regard to unique site conditions and property rights.

1. Lawfully constructed structures, established uses, public facilities, transportation structures, and/or lots of record located within the shoreline jurisdiction prior to the effective date of the Master Program but which do not conform to the present policies, regulations or standards, shall be allowed to continue and to be repaired, maintained, or remodeled, provided that the structure remains otherwise lawful.
2. Once discontinued, restrict the re-establishment of nonconforming uses located in the shoreline jurisdiction.
3. Legally established nonconforming structures which are located in the shoreline jurisdiction are intended to be phased out over time; however, depending on the extent and intensity of the nonconforming development, certain changes, alteration and expansions may be allowed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
4. Legally established non-conforming structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the non-conformity, and are encouraged to decrease non-conformity. Such redevelopments may be permitted provided that impacts to shoreline functions and processes are mitigated or restored, and the reconstruction is commenced within two years of the date of the destruction.
5. Provisions for reconstruction of a damaged legally established non-conforming residential house shall allow certain expansions of the non-conforming structure when it can be demonstrated that the expansion will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.

Comment [I89]: Modified former Beach Enhancement Section Policy #3. 12/15/2010

Comment [R90]: Workgroup Mod policy agreement 12/9/2010

Comment [I91]: New Goal Section. 11/29/2011

Comment [I92]: New goal reflecting Marysville and City's current standard for uses and

6. Legally created nonconforming lots of record may be developed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
7. Redevelopment of non-conforming public rights-of-way and associated transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

Section V SPECIFIC SHORELINE USE POLICIES AND REGULATIONS

A. **Introduction** *(To be revised as part of the regulation review and update.)*

B. **Agriculture**

Applicability

These provisions apply to activities which are primarily commercial including cultivation of soil, production of crops, or the raising of livestock. Gardening activities primarily for on-site consumption and maintenance of household pets shall be considered accessory to residential uses.

Policies

1. Agriculture shall not be allowed in the shoreline jurisdiction.

C. **Aquaculture**

Applicability

These provisions apply to the commercial cultivation and harvesting of fish, shellfish or other aquatic animals or plants, but also to non-commercial harvesting, and to the incidental preparation of fish and shellfish for human consumption, or cultivation for restoration purposes. Aquaculture, like all other uses, is subject to the provisions in Section IV, Environment Designations, including the standards in Table 4-2. Section III, General Policies and Regulations also apply.

Policies

1. When properly managed, aquaculture can result in long-term ecological and economic benefits. Identify and encourage aquaculture activities which may provide opportunities for creating ecosystem improvements. Engage in coordinated planning to identify potential aquaculture areas and assess regional long-term needs for aquaculture. This includes working with the Department of Fish and Wildlife (DFW), the Department of Natural Resources (DNR), area tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture's long-term sustainability. Areas with high aquacultural use potential should be identified.

2. Experimental forms of aquaculture involving the use of new species, new growing methods or new harvesting techniques may be allowed when they are consistent with applicable state and federal regulations and this Program. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time. When feasible, limit or restrict new development proposals in areas which would affect existing experimental

Comment [R93]: Jefferson County 11/15/2010

Comment [R94]: Jefferson County 11/15/2010

Comment [R95]: From former #7 and #8
11/15/2010

monitoring programs. Aquaculture activities should be given flexibility to experiment with new aquaculture techniques.

3. Limit aquaculture, including intensive shellfish aquaculture to activities that do not create adverse impacts to ecological functions and ecosystem-wide process. Prohibit aquaculture where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact City and State critical habitat areas and other habitat conservation areas; or interfere with navigation or other water-dependent uses. Consideration should be given to both the possible positive and detrimental impacts that aquacultural development might have on the physical environment; on other existing and approved land and water uses, including navigation, tribal "usual and accustomed fishing grounds" and public access; and on the aesthetic qualities of the project area.

4. Aquaculture should be prohibited in the following areas:
- a. Areas where aquaculture development would might have potential adverse impacts on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.
 - b. Areas where an aquacultural proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.
 - c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include, but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research.
 - d. Areas that have water quality, temperature, oxygen content, current, and salinity restrictions that make the areas unsuitable for the type(s) of aquaculture under consideration.
 - e. Areas that have little natural potential for the type(s) of aquaculture under consideration.

5. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts. In general, preference will be given to:
- a. Projects that require the least structures, submerged structures, or intertidal structures over those that involve substantial floating structures.
 - b. Projects that require few land-based facilities over those that require extensive facilities.
 - c. Projects that involve little or no substrate modification over those that involve substantial modification.
 - d. Projects that do not rely on artificial feeding over those that do require artificial feeding.

6. The density Ensure installation of net-pens, and raft cultures or surface embedded structures do not cause to minimize cumulative environmental impacts and aesthetic impacts, or interfere with navigation.

7. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time.

8. New shoreline proposals in the vicinity of an experimental aquacultural project should be restricted or denied if they might compromise the monitoring and data collection required under the experimental project permit. All permitted aquacultural projects should be protected from new development that would be likely to damage or destroy them.

Comment [R196]: Workgroup comment to include consistency with general policy 12/2/2010

Comment [R97]: Anacortes 11/15/2010

Comment [R98]: Development Group Recommended keeping this policy. Reorganized (c,d,e,b,a) 12/7/2010

Comment [R99]: Whatcom County 11/15/2010

Comment [R100]: Existing Policy

Comment [R101]: Added language to incorporate Geoduck Aquaculture Techniques. Workgroup, minor revisions for clarity 12-7-2010

Comment [R102]: Intent moved to new Policy #2 11/15/2010

D. Boating Facilities

Applicability

Boating facilities include marinas (both backshore and foreshore, dry storage, and wet moorage and open water types), boat launch ramps, covered moorage, marine railways, and marine travel lifts. (Refer to Section II for definitions.) Community, yacht club, camp, and resort moorage facilities must comply with boating facility requirements if they provide moorage for six (6) or more vessels. Both marina and nonmarina boating facilities, including single-family, must comply with Section VI, subsection F, Piers, Docks, Recreational Floats, and Mooring Buoys. Other portions of Section VI may also apply.

Accessory uses found in marinas may include fuel docks and storage, boating equipment sales and rental, repair services, boat launches, bait and tackle shops, potable water, waste disposal, administration, parking, and grocery and dry good shops. Uses which are not clearly accessory are also subject to their respective provisions in this section. (Examples might include commercial, industrial, or transportation facilities.) Boating facilities are also subject to Section III, General Policies and Regulations and to Section IV, Environment Designations, including the standards in Table 4-2.

Regulations governing boating activities in the bays and harbors of Bainbridge Island are contained in City harbors and waters code and may also apply. See Section VI, subsection F, for regulations governing mooring buoys.

Policies

1. Boating facilities, including marinas and boat launch ramps, are priority water-dependent uses and should be located, designed, and operated with appropriate mitigation to avoid and minimize adverse effects on shoreline functions and processes; prevent conflicts with navigation and other allowed uses; and provide public access and enjoyment of water of the state, to provide the maximum feasible protection and enhancement of all forms of aquatic, littoral, or terrestrial life including animals, fish, shellfish, birds and plants, their habitats, and their migratory routes. Marinas should be located in areas of low biologic productivity.
2. Locate new or expanding boating facilities should be located only where suitable environmental conditions are present, and should Avoid:
 - Critical saltwater habitat including kelp beds, eelgrass beds, spawning areas for forage fish (such as herring, surf smelt and sandlance);
 - Subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants;
 - Areas with which priority species have a primary association; and
 - Areas which have been identified as hazardous due to storm tides, high winds, or flooding and in embayments with poor flushing action.
3. Design and locate boating facilities to minimize adverse effects upon shoreline processes such as erosion, littoral or riparian transport, and should, where feasible, enhance degraded, scarce, and valuable shore features including accretion shoreforms. Boating facilities should be located and designed to minimize adverse effects upon, and to enhance if possible, beneficial shoreline features and processes including erosion, littoral or riparian transport and accretion shoreforms, as well as scarce and valuable shore features, including riparian habitat and wetlands.

Comment [I104]: Expand to a GOAL - Combine former Policy 1 & 2 with Whatcom Co. 23.100.04-A and Jefferson Co. 2.A.1
11/15/2010

- 4.3. ~~Boating facilities should be located and designed so their structures and operations Design, locate, construct, and maintain boating facilities to avoid adverse proximity impacts such as noise, light and glare; to assure that their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views from adjacent shoreline properties or the public's visual access to the shore. Vegetation screening should be utilized to reduce visual impacts of associated parking and storage.~~
4. ~~Joint use of piers and docks (community docks) should be encouraged so long as they serve the adjacent, upland owners. They should include no more than (1) one moorage space per ownership.~~
5. ~~Areas which have been identified as hazardous due to storm tides, high winds, or flooding should not be considered as potential marina sites.~~
6. ~~Embayments with poor flushing action should not be considered for marina sites.~~
- 5.7. ~~Consider Regional as well as local needs should be considered when determining the location of marinas and boat launches. Identify potential sites near high-use or potentially high-use areas should be identified.~~
6. 8. Consumption of limited shoreline resources should be minimized by considering:
- The expansion of existing marinas over the addition of new marina sites;
 - The development of marinas and launch ramps over the development of individual docking facilities for private, noncommercial pleasure craft; and
 - The use of launching ramps and recreational boat dry storage or other new technologies over year-round wet-moorage.
7. 9. ~~The location and design of bBoating facilities should not unduly obstruct navigable waters, and should avoid adverse effects to recreational opportunities restrict or impair ingress egress or the use and enjoyment of the water or beach on adjoining properties.~~
- 8.10. ~~Design, locate and construct Nnew marina facilities should be designed to accommodate public access and enjoyment of the shoreline, including provisions for walkways, view points, restroom facilities, and other recreational uses according to the scale of the facility.~~
- 9.11. ~~Encourage innovative construction techniques and open-type construction of Fforeshore marinas, wherever possible, should use open-type construction to prevent to prevent degradation of fish and/or shellfish resources and habitat.~~
- 10.12. ~~Require the Finstallation and maintenance of sewage disposal (pump-out) facilities or services should be required and These should be conveniently available to all users of marina facilities.~~
- 11.13. ~~Prohibit fFloating homes should be prohibited. Allow hHouseboats and live-aboard vessels should be allowed only in those limited circumstances where their environmental and use impacts can be substantially avoided, minimized, or mitigated. Prohibit floating homes.~~
- 12.14. Transient moorage should be made available, with most of this need being met through use of short-term vacancies.

Comment [I105]: To address maintenance and noise, added language from Whatcom Co. 23.100.04.A.12 11/15/2010

Comment [R106]: Move to regulation Staff Comment 12/3/2010

Comment [I107]: Move policy to Piers & Docks 12/3/2010

Comment [I108]: Included in new Policy #2, above. 12/3/2010

Comment [I109]: Included in new Policy#2, above 12/3/2010

Comment [I110]: Workgroup minor amendment 12-7-2010.

Comment [I111]: Workgroup minor amendments 12-7-2010.

~~15. Vegetative screening should be provided around parking and other storage areas.~~

Comment [I112]: Combined with new Policy #3. 12/3/2010

E. Commercial Development

Applicability

Commercial development is subject to the provisions of Section IV, Environment Designations, including the standards in Table 4-2. Uses associated with commercial development which are identified as separate uses in the Master Program are also subject to those regulations. Examples are industry, boating facilities, transportation facilities, and utilities. Shoreline modification activities, such as piers, docks, and bulkheads, are subject to provisions in Section VI. Section III, General Policies and Regulations, also applies to all commercial uses.

Policies

- ~~1. Design and operate commercial uses, activities and developments to avoid or minimize adverse impacts to ecological functions and ecosystem wide processes. As mitigation for commercial development, restoration of impaired ecological functions and ecosystem wide process should be encouraged.~~
- ~~4.2. Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline; preference should first be given to water-dependent uses, then to water-related and water enjoyment uses.
New commercial development located in shoreline areas should be limited to water-oriented uses as defined herein. Commercial development in shoreline areas should be considered in descending order of preference as follows:
a. Water dependent uses;
b. Water related uses; and
e. Water enjoyment uses.
Nonwater-oriented uses should be discouraged.~~
- ~~3. Discourage nonwater-oriented commercial uses, unless the use contains a mix of commercial and residential development that also includes either a public use benefit (open space, shoreline access, recreation), or residential use and includes a water enjoyment commercial use.~~
- ~~4.2. Prohibit over water Commercial developments should not be located over water unless the use is water-dependent and requires over-water development.~~
- ~~5.3. Locate nNew commercial development on shorelines areas should be located in those areas with existing, compatible commercial uses and in a manner that will promote infill minimize sprawl and the inefficient use of shoreline areas.~~
- ~~6.4. Provide Commercial development should provide physical or visual access to the shoreline as part of all new commercial development, or other opportunities for the public to enjoy the shorelines of the State. Existing development should be required to provide public access amenities when building improvements are proposed. Incentives for commercial use proposals to include additional public amenities should be provided.~~
- ~~5. Commercial developments should utilize multiple use concepts which include open space~~

Comment [R113]: Jefferson County 11/15/2010

Comment [R114]: Anacortes 11/15/2010

Comment [I115]: Workgroup modification to allow non-water oriented commercial when part of a mixed-use development that either contains a public benefit or water-enjoyment commercial component. 12-7-2010 --WAC 173-26-241(3)(D)

Comment [I116]: Workgroup requested active voice in policy. 12/2/2010

Comment [R117]: Development Workgroup recommendation 12/2/2010

Comment [I118]: Added to new Policy #3.

~~and recreation.~~

- ~~7.6.~~ Commercial development should be aesthetically and acoustically compatible with the surrounding area.
- ~~8.7.~~ View protection both to the water and from the water should be considered in the design and review of commercial development.

F. Flood Hazard and Stormwater Management

Applicability

These provisions apply to primary flood hazard and stormwater management projects or programs. They also apply to construction, maintenance, repair, modification and/or expansion of flood hazard management systems. Provisions applicable to individual properties are in Section VI, Shoreline Modification Policies and Regulations. Some provisions in Section III, General Policies and Regulations, may also apply.

Policies

1. ~~Base flood hazard management planning on applicable watershed management plans, critical area ordinances, and other comprehensive planning efforts, should be undertaken in a coordinated manner.~~ Coordinate flood hazard management among affected property owners and public agencies and should considering the system-wide impacts of individual projects, and cumulative impacts of many individual projects, and ensure that flood hazard protection measures do not result in a net loss of ecological function.
2. ~~Removal of gravel for flood control should be allowed only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction and no net loss of ecological function.~~ Removal must be part of a comprehensive flood management solution.
- ~~3.2.~~ Flood hazard management works should be located, designed, constructed, and maintained to provide:
 - a. Protection of the physical integrity of the shore process corridor and other properties which may be damaged by interruptions of the geo-hydraulic system;
 - b. Protection of water quality and natural ground water movement;
 - c. Protection of fish, vegetation and other life forms and their habitat vital to the aquatic food chain; and
 - d. Protection of recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
- ~~4.3.~~ Preference is given to non-structural methods over structural flood control methods and should be used wherever possible feasible, including prohibiting or limiting development in historically flood prone areas, regulating structural design, and limiting increases in peak-flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not sufficiently reduce the damage.
- ~~4.~~ In design of publicly financed or subsidized works, consideration should be given to providing public pedestrian access to the shoreline for low intensity outdoor recreation for low intensity outdoor recreation.

G. Forest Practices

Applicability

Comment [R119]: Existing Policy

Comment [R120]: Existing Policy

Comment [I121]: Moved to Water Quality, Section III.K.

This section modified by Task Force on 1/26/2011

Comment [R122]: WAC 173-26-221(b) 12/3/2010

Comment [R123]: WAC 173-26-221(c)(v) 12/3/2010

Comment [I124]: Policies deleted and addressed in Public Access, Section II.G 12/3/2010

Forest Practices are primarily regulated by the Washington Department of Natural Resources under Chapter 222 WAC or its successor pursuant to the Forest Practices Act (RCW 76.09 or its successor). This section supplements those regulations. Activities which are not regulated under the Forest Practices Act are subject to clearing and grading provisions in Section III, General Policies and Regulations of the Master Program. Forest Practices are subject to Sections III, IV, and VI of the Master Program.

Policies

1. The City should rely on the Forest Practice Act and rules implementing the act and the Forest and Fish Report as adequate management of commercial operations within the shoreline jurisdiction.

2.4. Timber harvesting practices should be conducted in a manner which that does not degrade existing water quality, quantity and quality of fish and adjacent wildlife habitat, cause adverse impacts to shoreline ecological function or ecosystem wide processes and avoids impacts to navigation, recreation and public access.

3. Timber harvest in all shoreline areas should be limited to selective cutting which protects the shoreline as a scenic view. Shorelines having outstanding scenic or habitat qualities should be left in a substantially natural condition.

4. Revegetation in shorelines should be accomplished as quickly as possible in accordance with the provisions of Forest Practice Act. For provisions applying to forest conversion (Class IV Permits regulated under the Forest Practices Act and locally), see Section xxx Vegetation Conservation and Management Zones.

~~2. Logging should be avoided on steep or unstable slopes, in unique or fragile areas and in native vegetation zone.~~

~~3. Special attention should be directed in logging and thinning operations to prevent the accumulation of slash and other debris in contiguous waterways.~~

~~4. Skid roads and fire trails should be located to minimize the disturbance to shoreline resources and wildlife habitat. They also should be rehabilitated as necessary to prevent erosion and import of sediments into contiguous waterways.~~

~~5. Timber harvest in all shoreline areas should be limited to selective cutting which protects the shoreline as a scenic view. Shorelines having outstanding scenic or habitat qualities should be left in a substantially natural condition.~~

~~6. Reforestation in shorelines should be accomplished~~

Comment [R125]: WAC 173-26-241(3)(e)
12/3/2010

Comment [I126]: Language modified to reflect that City provisions may be applied to forest conversion permits. 12/8/2010.

H. Industry

Applicability

Uses and activities associated with industrial development which are identified as separate uses (this section) or as shoreline modification activities (Section VI) are also subject to those regulations. Examples include transportation facilities, utilities, dredging, landfill, piers and docks, and bulkheads. Industrial development is subject to Section III, General Policies and Regulations, and Section IV, Environment Designations.

Policies

1. Review new industrial proposals with consideration of Rregional and state-wide needs for industrial facilities ~~should be carefully considered in reviewing new proposals as well as in allocating shorelines for such development. Such reviews or allocations should be~~

~~coordinated~~ Coordinate with port districts, adjacent counties and cities, and the State in order to minimize new industrial development which would unnecessarily duplicate under-utilized facilities elsewhere in the region or result in unnecessary adverse impacts on other jurisdictions.

2. Encourage expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed-use development ~~over~~ in lieu of the addition and/or location of new or single-purpose industrial facilities.
3. Strongly encourage ~~Joint use of piers, cargo handling, storage, parking, and other accessory facilities among private or public entities should be encouraged~~ in waterfront industrial areas.
4. Design and locate ~~Industrial development to avoid or minimize adverse impacts to ecological functions and ecosystem wide processes, should not be located~~ sensitive ecologically valuable shorelines such as natural accretion shoreforms, areas regulated under the City's environmentally sensitive areas ordinance, and their native vegetation zones.
5. Require ~~New industrial development should be required~~ to provide physical and/or visual access to shorelines and visual access to facilities whenever possible, and when such access does not cause significant interference with operations or hazards to life and property.
6. Preference should be given to locating new industrial development on those parts of the shoreline where industrial development is already permitted. Industrial uses and redevelopment are encouraged to locate where environmental cleanup and restoration can be accomplished.
7. Limit new industrial uses to existing industrial or water dependant commercial sites, such as marinas, where that use is consistent with the shoreline designation. Preferred industrial sites should be limited to water oriented uses, and encourage the development of preferred industrial uses such as small boat haul-out and repair facilities, vessel fueling facilities and water-oriented industry serving local boating needs.
8. Discourage nonwater-oriented uses unless use is in a mixed-use development containing a public use benefit such as open space or recreation use and includes a water oriented commercial use. Sustainable (low energy) industrial uses shall be preferred over more consumptive uses.

Comment [I127]: Workgroup minor amendment.
12-7-2010

Comment [R128]: WAC 173-26-241(3)(f)
12/7/2010

I. Mining

Applicability

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, "processing" includes screening, crushing, stockpiling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations.

Policies

Mining is prohibited within the shoreline jurisdiction.

Comment [R129]: Existing Policy

J. Recreational Development

Applicability

These provisions apply to development, not to casual use of undeveloped open space. They also apply to both publicly and privately owned facilities intended for use by the general public, private clubs, groups, associations, or individuals. Recreational development is subject to Section III, General Policies and Regulations; Section IV, Environment Designations, including Table 4-2, Setbacks and Height; and Section VI, Shoreline Modifications Policies and Regulations.

Policies

Goal: Provide substantial recreational opportunities for the public along the shoreline and manage the development of recreational uses to assure that shoreline ecological functions are not adversely impacted.

Comment [I130]: (Kirkland Goal AS-18 + Policy SA 18.5) 11/15/2010

1. Public recreation on public lands is a preferred use of the shoreline. Water-dependent recreational uses, such as swimming, boating and fishing, are priority uses and should be encouraged.
2. ~~4.~~ Encourage the coordination of local, State and Federal recreation planning should be encouraged so as to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
3. ~~2.~~ The location and design of shoreline recreational developments should relate to local population characteristics, density, and special activity demands. Acquisition priorities should consider these needs, demands, and special opportunities as well as public transit access and access for the physically impaired, where planned or available.
4. ~~3.~~ Identify shoreline areas with potential for recreation or public access, should be identified and acquired. Acquire identified areas through by lease, purchase, or easement and incorporate these areas into the public park and open space system.
5. ~~4.~~ Encourage a variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
6. ~~5.~~ Where feasible link the linkage of shoreline parks, recreation areas, and public access points as linear systems, such as hiking paths, bicycle paths, easements and/or scenic drives, as feasible should be encouraged.
7. ~~6.~~ Locate, design and operate recreational developments should be located, designed, and operated to facilitate appropriate use of shoreline resources while also conserving them those resources by be compatible with and by minimizing adverse impacts to ecological functions and ecosystem-wide processes, environmental quality and valuable natural features, and Design recreational development to Ppreserving, enhancing or creating scenic shoreline views and vistas. as well as on adjacent and surrounding land and water uses.
7. Recreational developments should be located and designed to preserve, enhance, or create scenic views and vistas.

Comment [I131]: Workgroup edits for clarity. 12-7-2010.

8. Where appropriate, passive recreational uses may be permitted in floodplain areas.
9. Encourage the use of shoreline road street ends and publicly owned lands for public shoreline access and promote the development of shoreline recreational opportunities at suitable appropriate road ends should be encouraged.
- ~~10. The use of off road vehicles should be prohibited in all shoreline areas.~~
- ~~1011. The use of Shoreline use of off-road recreational vehicle or recreational water equipment, such as jet skis and wake boards, and similar recreational equipment should be limited or prohibited where needed as appropriate to protect the ecological functions of the shoreline or sensitive restricted to areas where no conflict with wildlife habitat areas and other uses exists.~~
- ~~1112. All recreational developments should make adequate provisions for:~~
- a. Vehicular and pedestrian access, both on-site and off-site;
 - b. Proper wastewater and solid waste disposal methods;
 - c. Security and fire protection;
 - d. The prevention of overflow and trespass onto adjacent properties, including, but not limited to, landscaping, fencing, and posting of property; and
 - e. Screening and native vegetation zoning of such development from adjacent private property.
- ~~1213. Trails and pathways on steep shoreline bluffs should be located, designed, and maintained to protect bank stability.~~
- ~~14. Recreational developments and plans should recognize the primacy of preserving the natural character, resources, and ecology of shorelines of state wide significance (tidelands).~~
- ~~1315. Protect and restore publicly owned natural resource areas located within the shoreline area.~~
- ~~1416. Promote shoreline conservation through acquisition, preservation, and rehabilitation of important natural areas and manage natural areas of public shoreline parks to protect and restore ecological functions, values and features.~~
- ~~1517. Use best management practices and low impact development technologies in the construction, maintenance and renovation of recreational facilities and grounds for public shoreline parks.~~
- ~~1618. Incorporate opportunities for educational and interpretive information regarding shoreline ecological functions and processes in the design and operation of public recreation facilities and other amenities such as nature trails.~~

K. Residential Development

Applicability

All development in the shoreline jurisdiction must comply with the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Master Program. While an individual owner-occupied, single-family residence and its "normal appurtenances" are exempt from the requirement that a substantial development permit (SSDP) be obtained from the local government (WAC 173-14-040 or its successor), they must comply with this section and other

Comment [I132]: Workgroup change back to original language. 12-7-2010.

Comment [I133]: Kirkland (Goal SA-19) 11/15/2010

Comment [I134]: Combined Kirkland Policies SA-19.1 & AS 19.2 & Goal SA-21) 11/15/2010

Comment [I135]: Combined Kirkland Goal SA-20, policies 20.1-20.5) 11/15/2010

Comment [I136]: (Combined Jefferson Co. Policy 7.B. 5 & Kirkland 20.1-20.5) 11/15/2010
Revise for clarity. 12-7-2010

provisions of the Master Program. Subdivisions and short plats must also comply with all applicable provisions.

In some circumstances a conditional use permit is required for developments which are exempt from the SSDP. In other situations a variance may be needed because of inability to conform to Master Program standards.

Residential development is subject to Section III, General Policies and Regulations which contains provisions for a vegetation conservation and management zone ~~native vegetation zone~~ adjacent to and landward of the ordinary high water mark (OHWM), clearing and grading restrictions, public access requirements, critical areas, ~~environmentally sensitive areas provisions~~, on-site utilities, and others. Section IV, Environment Designations, also apply to residential development. Shoreline modifications (e.g., bulkheads and revetments, piers and docks) are provided for in Section VI. Residential development is also subject to the BIMC 16.20, ~~Environmentally Sensitive~~ Critical Areas.

Goal: Promote residential development opportunities along the shoreline that are consistent with controlling pollution and preventing damage to the natural environment, recognizing that single-family residential development is a priority use in the shoreline and that impacts to other shoreline priority uses such as, shoreline views, aesthetics and access, should be considered and minimized.

Policies

1. ~~Single-family residential use~~ is a priority use in the shoreline ~~when developed~~ Develop single-family residences in a manner consistent with producing no net loss of shoreline functions or ~~and~~ ecosystem-wide processes, and in conformance with the requirements of this Shoreline Master Program.

2. ~~Residential~~ development should be located where there are suitable provisions for utilities, circulation and access and should be designed to:
* Maintain or improve ecological functions and processes to assure no net loss; and
* Provide building setbacks; and
* Preserve and enhance shoreline vegetation; and
* Protect water quality; and,
* Control erosion and provide stormwater management; and
* Provide ample open space in side yards to preserve views from both the land and water.

2. ~~Adequate provisions should be made for ground water protection, erosion control, drainage systems, aquatic processes, open space, and aquatic and wildlife habitat.~~

3. The overall density of development, location of structures and access, lot coverage, and height should be consistent with Bainbridge Island Comprehensive Plan goals and policies, and this Program, and should be appropriate to the physical capabilities and characteristics of the site.

4. ~~Recognizing the single purpose, irreversible and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and native vegetation buffers from the water, and ample open space in side yards to preserve views from both land and water and to protect natural features and functions.~~

4.5. ~~Design and locate residential s~~Structures and appurtenances such that: should be designed and located to blend into the site, preserving views from the shoreline and vistas

Comment [R137]: Changed to reflect title of in Section III General Policies. 1/14/11

Comment [I138]: Workgroup requested overarching goal for residential development. 12-7-2010

Comment [LH139]: Adds recognition of priority use; provisions for NNL & protection of functions and processes; 12/7/2010

Comment [I140]: Modified to reflect Workgroup agreement – split vote --4/2. on 12/7/2010

Comment [I141]: Suggested language by member: Single-family residences are a priority use on the shoreline when developed in a manner consistent with producing no net loss of ecological function.

[RCW 90.58.020 ... Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state....]

Comment [LH142]: Combined with portions of #1 and all of #4; added functions and processes/NNL, modified Jefferson Policy 8.A.7 12/3/2010

Comment [LH143]: Modified with provisions of Whatcom 23.100.11.A.3) 11/15/2010

Comment [LH144]: Moved to #1& #2 and modified to remove “consumptive nature” language. 11/15/2010

Comment [I145]: Modified to reflect Workgroup agreement. 12-7-2010

~~of the shoreline, and minimizing impacts on the environment,~~

* visual and physical features are compatible with adjacent cultural and shoreline attributes;

* shoreline open space, views from the shoreline, and vistas of the shoreline are preserved;

* structures are visually compatible with adjacent cultural and shoreline features, reasonable in size and purpose; and

* impacts on the environment result in no net loss to shoreline ecological functions and processes.

5.6. Development of ~~in~~ side yards should be restricted in order to preserve vegetation between developments, mitigate the effect of a "wall" of structures along the shoreline, and enhance public and private view potential.

6.7. When waterfront properties are divided, common access to the water should be provided to all resulting lots.

7.8. New residential development and accessory uses should be prohibited from locating in environmentally sensitive critical areas (and their native vegetation conservation and management zones) including marshes, bogs, swamps, mud flats, steep or unstable slopes, floodways, fish and wildlife habitat, migratory routes and spawning areas, and marine vegetation areas.

8. New overwater residences are not permitted. Existing, legally established overwater residences should not be enlarged or expanded.

9. New residential land subdivisions within the shoreline shall be configured to prevent the loss of shoreline ecological functions at full build-out of the subdivision; to reduce the impacts to shoreline processes by preventing the need for new shoreline stabilization or flood hazard reduction measures; maintain waterfront areas for the common use of all property owners within the development, and, if creating four or more lots, to provide public access to the shoreline.

10. New multi-family residential development shall provide public access to the shoreline.

11. Residential development should include measures to protect existing native vegetation and/or restore vegetation along shorelines. Conservation measures should require that residential development avoid, minimize, mitigate, or restore shoreline vegetation functions and achieve no net loss of shoreline ecological functions and processes. Vegetation conservation may include avoidance or minimization of clearing or grading, restoration of shoreline vegetation, and/or control of invasive or non-native vegetation.

12. For new residential development and alterations to existing residential development, non-regulatory methods should be used when possible to protect, enhance, and restore shoreline ecological functions and other shoreline resources. Such methods may include voluntary alternatives to address impacts to shoreline ecological functions and processes, low impact development techniques, voluntary protection and enhancement projects, habitat management planning, education, or other incentive programs. Such programs must be supported by current scientific and technical information, as described in WAC 173-26-201(2)(a).

L. Transportation Facilities

Comment [R146]: Changed to clarify intent of policy. Clarifying policy was a comment by Ken Sethney 1/14/11

Comment [I147]: Kirkland Policy SA-6.2 Required by WAC-173-26-241(3)(j) 11/15/2010

Comment [I148]: (WAC173-26-241(3)(j) 11/15/2010

Comment [I149]: (WAC 173-26-221(5); VEG Workgroup comments; modified Whatcom 23.100.11.A.7.)

Comment [I150]: (WAC 173-26-221(5); VEG Workgroup comments; modified Whatcom23.100.11.A.8.)

Applicability

Transportation facilities are also subject to Section III, General Policies and Regulations; Section IV, Environment Designations; and Section VI, Shoreline Modification Policies and Regulations. As provided in Section III, shoreline development is subject to BIMC 16.20, Environmentally Sensitive Areas.

Policies

1. Plan, locate and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, and will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.
- ~~2.~~ In planning for new transportation systems, priority should be given to transportation modes favoring, in order of preference, pedestrian including passenger only ferry service, and bicycle and mass transits systems multimodal systems. New roads and bridges, except access roads, (including driveways) or when a bridge provides the least adverse impact to ecological functions and ecosystem wide process, should not be allowed.
- ~~3.~~ Trail and bicycle systems should be encouraged as a preferred access to and along the shoreline. Road reconstruction projects should include non-motorized transportation facilities.
- ~~4.~~ When existing transportation corridors are vacated, they should be acquired for water-dependent use or public access.
- ~~5.~~ Joint use of transportation and utility rights-of-way within shoreline jurisdiction for roads and utilities should be encouraged.
- ~~6.~~ State highway and public street modifications which promote stream restoration or mitigate existing environmental damage should be encouraged.
- ~~7.~~ Encourage the completion of the Eagle Harbor Waterfront Trail. Pedestrian trail systems to and from the ferry should be encouraged.
- ~~8.~~ Nonwater-oriented and water-related transportation facilities should be located outside the shoreline jurisdiction.
9. Promote public views from roads and encourage projects to incorporate ADA compliant shoreline access opportunities.
10. Public roads located in the shoreline that are in danger of loss or substantial damage and which serve as the primary means of access to a substantial number of residents, may be reconstructed if no feasible alternative is possible for relocating the road out of danger or where it would cause more ecological damage to do so, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and ecosystem-wide processes.

M. Utilities (Primary and Accessory) (Also see Section III, J.)

Applicability

These provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

Section XXX Critical Areas, Section IV, Environment Designations, and Section VI, Shoreline

Comment [R151]: Anacortes 11/15/2010

Comment [R152]: Workgroup Recommendation 12/3/2010

Comment [R153]: Workgroup Recommendation 12/3/2010

Comment [R154]: Workgroup Recommendation 12/3/2010

Comment [R155]: Workgroup and Staff Recommendation 12/3/2010

Comment [I156]: This policy section combines Section III, J, Accessory Utilities. Amendments made to this section 1/26/2011.

Comment [R157]: WAC 173-26-241(3)(I) Added 1/26/2011

Modification Policies and Regulations also apply. ~~Utilities are subject to BIMC, Chapter 16.20 Environmentally Sensitive Areas.~~

Primary Utility Policies

- ~~1. All utility facilities are designed and located to assure no net loss shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.~~
- ~~2. Utilities and replacement utilities should be prohibited in shoreline jurisdiction unless no feasible alternative exists.~~
- ~~3. Utility production and processing facilities, such as power plants, sewage treatment plants, and solid waste disposal activities and facilities and, or parts of those facilities, that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.~~
- ~~4. New utilities should not be allowed where extensive shoreline stabilization is protection works are required.~~
- ~~5. Utilities and utility corridors locations should protect not obstruct or otherwise affect scenic views. Whenever feasible, such facilities should be placed underground or alongside or under bridges.~~
- ~~6. Utilities and utility rights of way should be designed to minimize conflicts with present and planned land uses.~~
- ~~6. Solid waste disposal activities and facilities should not be located in shoreline areas.~~
- ~~6. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.~~
- ~~7. Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should be prohibited except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.~~

Accessory Utilities Policies

- ~~1. Install and operate onsite Utilities are necessary to shoreline uses and should be properly installed and operated to protect the shoreline and water from degradation.~~
- ~~2. Locate onsite Utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.~~

Comment [R158]: Deleted and added to above. 1/26/2011

Comment [R159]: WAC 173-26-241(3)(I) 1/26/2010

Comment [R160]: WAC 173-26-241(3)(I) added 1/26/2011

Comment [R161]: Changed language to be consistent with stabilization section. 1/26/2011

Comment [R162]: Deleted; added to new Policy #3. 1/26/2011

Comment [R163]: WAC 173-26-241(3)(I) added 1/26/2011

Comment [R164]: Changed to prohibited 2/3/2011

Comment [R165]: WAC 173-26-241(3)(I) added 1/26/2011

Comment [R166]: The following policies are moved from Section III.J., Accessory Utilities; Amendment for clarity. 1/26/2011.

3. ~~Design and locate~~ Onsite utility facilities should be designed and located in a manner which preserves the shoreline ecology and the natural landscape to avoid and minimize adverse affects to shoreline ecological functions and minimizes conflicts with existing and or planned land uses. ~~See Section XXX for onsite stormwater facilities goals and policies.~~

Comment [R167]: Changed for clarity 2/7/2011

Section VI SHORELINE MODIFICATION POLICIES AND REGULATIONS

A. General Shoreline Modification Provisions

Applicability

Shoreline modifications are generally related to construction of a physical element such as a dike, bulkhead, breakwater, dredged basin, pier or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a cargo ferry terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use). These provisions in this section apply to all shoreline modifications within shoreline jurisdiction associated with or in support of a specific shoreline use. Section III General Policies and Regulations, Section V Specific Shoreline Use Policies and Regulations and Section XXX Restoration and Beach Enhancement.) They also apply to projects whose chief intent is to protect the shoreline of a particular property for which the permit applies.

Comment [R168]: Removed breakwater and added bulkhead to be more relevant to Bainbridge. Also added pier for similar reason. 12/9/2010

Comment [R169]: Workgroup comment 12/20 replace cargo with ferry

Comment [R170]: Staff to Workgroup Discuss a more Bainbridge Island Specific example to replace cargo terminal.

Comment [R171]: WAC 173-26-231

Comment [R172]: Work group comment to include direct citation of sections which policy and regulations apply.

They also apply to projects whose chief intent is to protect the shoreline of a particular property for which the permit applies. Flood control projects and flood control programs must also conform to the provisions in Section V, Subsection F, Flood Hazard and Stormwater Management.

Policies

Goal: Manage shoreline modifications and flood protection works to avoid, minimize, or mitigate adverse impacts and assure that individually and cumulatively shoreline modifications do not result in a net loss of ecological functions.

Comment [LH173]: Modeled after Kirkland SA 10

1. Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

Comment [R174]: Workgroup decision to eliminate most of the previous BI policies and utilize the WAC policies instead. Retained BI's last two policies (former Policies #6 & #7)12/9/2010

1. ~~Riprapping and other bank stabilization measures should be located, designed, and constructed primarily to prevent damage to existing development and property~~
 2. ~~All new development should be located and designed to prevent or minimize the need for shoreline stabilization measures and flood protection works.~~
 3. ~~Stabilization and protection works which are more natural in appearance, more compatible with on-going shore processes, and more flexible for long-term streamway management, such as protective berms or vegetative stabilization, should be utilized over structural means such as concrete revetments or extensive riprap.~~
 4. ~~Structural solutions to reduce shoreline damage should be permitted only after it is demonstrated that nonstructural solutions would not be able to achieve the same purpose.~~
 5. ~~Sloping revetments or other energy dissipating designs are preferred to reduce the destructive scouring effect of bulkheads on beaches.~~
4. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions. Require mitigation of identified impacts resulting from shoreline modifications.
 5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
 6. Avoid and reduce significant ecological impacts according to the mitigation sequence in Section XXX.
76. Shoreline modification ~~stabilization~~ projects should provide for long-term multiple use and shoreline public access, where appropriate.
 87. Natural features such as snags and stumps which support fish and other aquatic systems, and which do not intrude on navigational uses or threaten other permitted uses, should be left undisturbed except in cases of an approved beach stabilization project.

B. Beach Enhancement

Applicability

~~Beach enhancement concerns the upgrading of terrestrial and tidal shorelines along with submerged shorelines for the purpose of stabilization, recreational enhancement, and aquatic habitat creation or restoration using native or similar material. The materials used are dependent on the intended use and shoreline dynamics such as grade, drift, etc. For recreation purposes, various grades of clean sand or pea gravel are often used to create, restore or enhance a beach. To restore or recreate a shore feature or an underwater aquatic environment, such as a reef, may require a rock matrix and/or combination of other materials appropriate for the intended environment.~~

Policies

1. ~~All beach enhancement projects should ensure that aquatic habitats, existing water quality levels and flood holding capacities are maintained.~~
2. ~~Beach restoration/enhancement utilizing naturally regenerating systems should be required where:~~
 - a. ~~The length and configuration of the beach will accommodate such systems;~~
 - b. ~~Such protection is a reasonable solution to the needs of the specific site; and~~
 - e. ~~Beach restoration/enhancement will accomplish one or more of the following objectives:~~

Comment [R175]: Moved to Flood Hazard Section 12/9/2010

Comment [R176]: Intent covered in Stabilization Subsection. 12/9/2010

Comment [R177]: Workgroup recommendation 12/20, the goal mentions cumulative impacts.

Comment [R178]: Workgroup recommendation 12/20, this is the general modification policies not just shoreline stabilization

Comment [I179]: Moved to Restoration, Section III.

- (1) ~~Recreate or enhance natural conditions.~~
 - (2) ~~Create or enhance natural habitat.~~
 - (3) ~~Mitigate erosion.~~
 - (4) ~~Enhance public access to the shoreline.~~
3. ~~Supplementary beach nourishment should be encouraged where existing shoreline stabilization is likely to increase impoverishment of existing beach materials at or downdrift from the project site.~~

BC. Shoreline Stabilization Shoreline Armoring (Revetments and Bulkheads)

Background

~~In high energy wave environments, bulkheads reflect some energy downward which may scour and erode the base, or "toe" of the bulkhead, lowering the beach level. This scouring at the toe may also undercut the bulkhead to the point of collapse. Bulkheading may also adversely impact longshore fishery habitat. The slope and irregular surface of revetments tends to absorb the wave energy similar to the run-up on a natural beach.~~

Principles

Shorelines are by nature unstable, although in varying degrees. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the ecology of the shoreline. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including reduction of erosion or providing useful space at the shore or providing access to docks and piers. The impacts of hardening any one property may be minimal but cumulatively the impact of this type of shoreline modification is significant.

Shoreline hardening typically results in adverse impacts to shoreline ecological functions such as:

- Starvation and/or impoundment of beach sediment which diminishes longshore sediment transport;
- Habitat degradation;
- Loss of shoreline vegetation and large woody debris;
- Ground water and hydraulic impacts; and
- Exacerbation of erosion.

Structural methods can be "hard" or "soft". "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as ~~biotechnical~~ bioengineering vegetation measures or beach enhancement. Generally, the harder the construction measure, the greater the impact on shoreline processes.

There is a range of measures, structural and non-structural, which vary from soft to hard that include:

"Soft"

- Upland drainage control;
- Vegetation enhancement;
- Beach enhancement;
- Biotechnical Bioengineering measures;
- Anchor trees; and

Comment [R180]: Name revised by Workgroup 12/9/2010

Comment [R181]: Workgroup Comment

Comment [R182]: Workgroup decision to include a summarized version of the WAC principals - WAC173-26-231(3)(a)(ii) – summarized. 12/9/2010

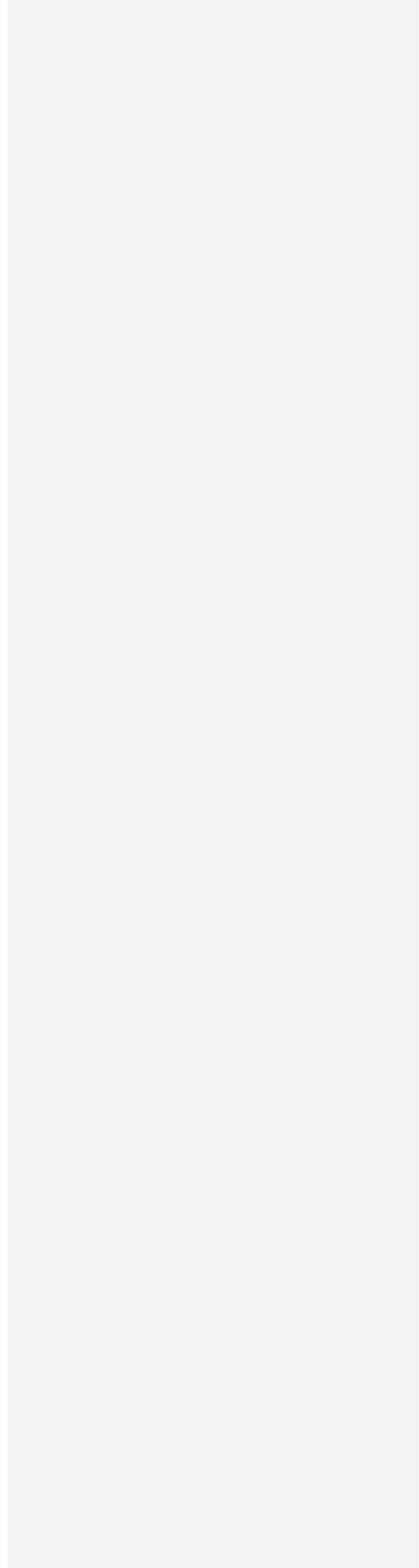
Comment [R183]: Rearranged order 12/30

Comment [R184]: Consultant suggestion 12/20

Comment [R185]: Rearranged order 12/30

Comment [R186]: Work Group discussion 12/20 on the use of term. Bioengineering was recommended.

- Gravel placement.
“Hard”



- Rock revetments;
- Gabions;
- Groins (rock or concrete);
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawall

Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures resulting from by natural processes, such as currents, flood tides, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and planning and regulatory measures to avoid the need for structural stabilization. The provisions of this section also apply to the construction, replacement and repair of structures intended to stabilize shorelines or protect property from erosion impacts. The Shoreline Management Act exempts from the substantial development permit (SSDP) process the construction or repair of a normal, protective revetment or bulkhead when it is necessary to protect an existing single-family residence. Even when exempt, however, these structures must comply with all applicable Master Program regulations. A statement of exemption for an individual, single-family residence must be obtained from the City before commencing construction of any bulkhead or revetment.

General Policies

1. Discourage shoreline stabilization, particularly “hard” structural stabilization, through application of appropriate shoreline environment use designations, development standards, and public outreach. The use of unarmored structural revetments should be limited to situations where it is demonstrated that nonstructural solutions, such as bioengineering, setbacks and buffers or any combination thereof, will not provide sufficient shoreline stabilization.

2. Design, locate, size and construct new or replacement shoreline stabilization to minimize and mitigate adverse impacts of these activities on shoreline ecological functions and shoreline ecosystem-wide processes. An evaluation of the proposal should consider causes and effects of erosion, including upland erosion, and beach dynamics, such as sediment conveyance, geo-hydraulic processes and ecological relationships, and address these on a reach-specific basis. Because of the potential impact on complex, littoral long shore drift systems and potential damage to other shoreline properties bulkhead construction, should be discouraged, unless it can be demonstrated that a revetment or nonstructural solution (bioengineering, setbacks, native vegetation zones) is not feasible.

3. Design and locate new development, including the creation of new lots, in a manner that prevents the need for shoreline stabilization and armoring.

4. Structural shoreline stabilization should be permitted only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established structures, primary uses or public improvements in danger of loss, and when it can be demonstrated that there are no alternative options to the proposed shoreline stabilization that have less impact on the shoreline environment.

Comment [I187]: Task Force modified language 12/20/10

Comment [I188]: Workgroup agreed to include WAC applicability section 173-26-231(3)(A)(i) – 12/9/2010

Comment [I189]: [WAC 173-26-231(3)(a)(iii)(E)] (Modified Anacortes 9.11.1) Revisions reflect Workgroup discussion 12/9/2010

Comment [I190]: (Modified Kirkland Policy SA-10.7) WAC 173-26-231 (3); Revisions reflect Workgroup discussion 12/9/2010

Comment [R191]: Workgroup discussion 12/20 to include Shoreline as a boundary on the extent of ecosystem-wide processes. It was determined to wait until the Background Section and Definition Section were completed. If explanation of ecosystem-wide was not adequately addressed, we will revisit this policy.

Comment [I192]: Moved from policy below as recommended by Workgroup 12/9/2010.

Comment [I193]: (WAC 173-26-231(3)(a)(ii); Modified Anacortes Policy 9.2.1)

Comment [I194]: (WAC 173-26-231(3)(a)(iii)(B) & (E); Modified Anacortes 9.11.6 & 13)

Workgroup decision: Policy eliminated and replaced with #4 from Black Diamond– 12/9/2010

5. Existing “hard” armoring and shoreline stabilization structures may be replaced if there is a demonstrated need to protect principal uses or structures from erosion and the replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions.

6. Preference is given to those types of shoreline stabilization that have a lesser impact on ecological functions. To protect ecological functions, alternatives to shoreline stabilizations should be considered and be based on the following sequencing of solutions:
- Avoidance (allow the shoreline to retreat naturally, increase building setbacks or relocate structures).
 - Flexible defense works constructed of natural materials including “soft” shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilizations.
 - Combination of “soft” and structural “hard” shoreline stabilization measures, which excludes structural stabilization below the ordinary high water mark.
 - “Hard” structural stabilization, or rigid works constructed of artificial materials such as riprap or concrete.

Materials used for construction of shoreline stabilization should be selected for long term durability, ease of maintenance, compatibility with local shore features, including aesthetic values and flexibility for future uses.

- 7.3 Shoreline armoring should be designed, improved, and maintained to provide public access whenever possible. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, incorporate ecological restoration and public access improvements into the project.

8.4- Shoreline armoring should not be constructed waterward of feeder bluffs.

- 9.5. Encourage neighboring property owners ~~should be encouraged~~ to coordinate planning and development of shoreline stabilization ~~revelments~~ or other solutions for an entire drift sector or shoreline reach, to avoid erosion of down-drift properties and to address ecological and geo-hydraulic processes, sediment conveyance, and beach management.

10. Where feasible, any failing, harmful, unnecessary, or ineffective structures should be removed and shoreline ecological functions and process should be restored consistent with the priorities of an ecosystem-wide restoration plan, and replace using shoreline stabilization measures that result in less impact to shoreline ecological functions and processes.

11. Encourage non-structural stabilization using non-regulatory methods, to protect, enhance, and restore shoreline ecological functions and other shoreline resources. Non-regulatory methods should include incentives programs to utilize low impact development techniques and habitat/resource planning, voluntary enhancement and restoration projects, or programs that provide technical assistance and education to shoreline property owners.

12. Shoreline stabilization should incorporate beach restoration or enhancement in

Comment [LH195]: [WAC WAC 173-26-231(3)(a)(iii)(C)]
Moved from below as recommended by Workgroup on 12/9/2010

Comment [LH196]: Whatcom Co. 8.A.13)
WAC 173-26-231(E)

Moved policy below to beginning of this policy.
Agreed by Workgroup on 12/9/2010

Comment [LH197]: [WAC 173-26-221(3)(a)(iii)(E)] 12/9/2010

Comment [LH198]: Replace policy with WAC language 173-26-231(3)(a)(iii)(E) 12/9/2010

Comment [LH199]: (Modified Jefferson 8.A.13) 11/15/2010

Comment [LH200]: Modified Jefferson Co. & Whatcom 8.A.11) 11/15/2010

Modified to reflect discussion of Workgroup to connect to restoration planning. 12/9/2010

Comment [R201]: Workgroup discussion 12/20 on if this requires shoreline homeowners to replace the failing structure, the group determined the “where feasible” qualifier addressed this concern.

Comment [LH202]: (Modified Jefferson 9) 11/15/2010

Comment [R203]: Workgroup asked for intent to provide incentives is clear. Reorder the sentence. 12/3/2010

Comment [I204]: Policy moved from Beach Enhancement Section. Revised for clarity of intent. Policy currently requires beach restoration and enhancement. Workgroup 12/9/2010.

accordance with the restoration provisions of this master program. Beach restoration/enhancement utilizing naturally regenerating systems should be required where:

- a. The length and configuration of the beach will accommodate such systems;
- b. Such protection is a reasonable solution to the needs of the specific site; and
- e. Beach restoration/enhancement will accomplish one or more of the following objectives:
 - (1) Recreate or enhance natural conditions.
 - (2) Create or enhance natural habitat.
 - (3) Mitigate erosion.
 - (4) Enhance public access to the shoreline.

CD. Dredging and Dredge Material Disposal

Applicability

Dredging is the removal of material from the bottom of a water body. The purposes of dredging might include: deepening a navigational channel, berth, or basin; streambed maintenance; use of dredged material for fill or habitat enhancement (effective reuse); and removal of contaminated sediments. Dredged material disposal on land is also subject to the landfill policies and regulations of this program. Pursuant to WAC 173-14-040 or its successor, certain activities, such as those associated with normal maintenance and repair, are exempt from the requirements for a Shoreline Substantial Development Permit (SSDP), but may still require a shoreline conditional use permit or variance

Actions exempt from substantial development permits are required to comply with the Shoreline Management Act and all provisions of the Master Program. Ecology/Army Corps of Engineers notifications of dredging proposals will be reviewed by the City to determine whether the activity is exempt from the requirement for a substantial development permit and to ensure compliance with regulations of the Act and the Master Program.

Policies

Goal: Minimize dredging and dredge material disposal within the shoreline jurisdictions

1. Design and locate new development to avoid dredging and discourage operations, including disposal of dredge materials. When dredging cannot be avoided, the operations and dredged material disposal shall should be located and conducted in a manner which minimizes damage to the existing ecology and natural resources of both the area to be dredged, and to the disposal site.
2. Dredging of bottom materials for the primary purpose of obtaining fill material is prohibited strongly discouraged except for projects associated with state or federal environmental remediation operations or authorized habitat restoration.
3. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
 - a) Dredging for the purpose of establishing, expanding, relocating or reconfiguring a navigation channel should be allowed where necessary to assure safe and efficient

Comment [I205]: Added to explain what and why dredging is done as recommended by Workgroup. 12/9/2010

Comment [LH206]: Two policies to address navigation channel dredging, based on Anacortes policies 9.6.6. & 9.6.7

accommodation of existing or proposed navigational uses and then only when ecological impacts are minimized and mitigation is provided to offset adverse impacts.

- b) Maintenance dredging of established navigation channels should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

4. Dredged material disposal in marine waters is prohibited, except, other than for approved environmental enhancement or remediation projects or approved habitat restoration projects, and only other uses permitted by this Shoreline Master Program, should only be allowed at sites designated through the Puget Sound Dredged Disposal Analysis (PSDDA) program (managed jointly by the Corps of Engineers, Environmental Protection Agency, Washington Department of Natural Resources, and Washington Department of Ecology) and consistent with the policies and procedures of PSDDA.
5. When dredged material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in beach enhancement, habitat creation, sediment remediation (capping), or aggregate or clean cover material at a landfill (where appropriate) and is allowed only through implementation of a regional dredge material management plan.

Comment [I207]: Move these two policies to regulations. Workgroup agreement 12/9/2010.

DE. Landfill

Applicability

Landfill is the placement of soil, sand, rock, gravel, existing sediment or other material (excluding solid waste) to create new land, tideland or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation. Any landfill activity conducted within shoreline jurisdiction must comply with the following policies and regulations. Beach enhancement as defined in the Shoreline Master Program shall not be considered landfill.

Policies

1. Landfill waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses and/or cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, and should be allowed only through a conditional use permit which are consistent with the Master Program.
2. Landfill landward of OHWM should be permitted when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
- 3.2. Shoreline fills must be limited to the minimum extent necessary to accommodate an approved shoreline use or development and should be designed and located so that there will be no significant damage to existing natural resources, including surface water drainage systems, and with assurance of no net loss of shoreline ecological functions and processes.
- 4.3. The evaluation of fill projects must address the following factors. In evaluating fill projects, factors that should be considered include:
- Impacts to shoreline ecological functions and ecosystem-wide processes;
 - Conflict with potential and current public use of the shoreline and water surface area as identified in adopted City plans, policies, and programs; and
 - Total water surface reduction;
 - Navigation restriction;

Comment [LH208]: (Anacortes Policy 9.7.2) 11/15/2010

Comment [LH209]: (Modified Whatcom Co. 23.90.10.A.1) 11/15/2010

- d. ~~Impediment to water flow and drainage;~~
- e. ~~Reduction of water quality; and~~
- f. ~~Destruction of habitat.~~

~~Further, the City should assess the overall value of the landfill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Act and the Master Program.~~

- ~~5.4. Fill projects must be The perimeter of landfills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time.~~
- ~~5. Where permitted, landfills should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by the Master Program. Speculative landfill activity is prohibited.~~

Comment [LH210]: Included in #1
11/15/2010

EF. Overwater Structures Piers, Docks, Recreational Floats, and Mooring Buoys

Applicability

Uses which may employ a pier or dock (~~for example, industry~~) are subject to the provisions herein as well as to the provisions contained in Section V, Specific Shoreline Use Policies and Regulations. Community or joint-use docks which provide moorage for six (6) or more vessels also must comply with the provisions of Section V, Subsection D, Boating Facilities.

Pursuant to RCW 90.58.030(3-e-vii) or its successor and WAC 173-14-040(h), or its successor certain activities are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). For the benefit of the lot owner, surrounding properties, and water body users, the City will review all proposals for piers and docks to determine whether:

1. The proposal is or is not exempt from the requirements for a shoreline permit;
2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated; and
3. The proposal is consistent with the intent, policies, and regulations of the Act [RCW 90.58.140(1) or its successor] and this program.

Exempt activities are subject to the provisions of the Master Program.

Policies

Goal: Limit number and size of piers, docks, and floats to the extent necessary to accommodate the proposed use and avoid adverse impacts to shoreline ecological function. Allow overwater structures only when part of a permitted water-dependent use or for public access. Ensure consistency with Federal and State regulations.

Note: A piers, dock or float associated with a single-family residence is considered a water-dependent use provided that it is designed and intended as a facility for access to watercraft.

1. ~~Encourage m~~Multiple use and expansion of existing conforming piers, docks, and floats ~~should be encouraged~~ over the addition and/or proliferation of new facilities. Joint use facilities are preferred over new, single-use piers, docks, and floats.
2. ~~The use of M~~mooring buoys are ~~should be~~ encouraged in preference to either piers or docks. Locate and design buoy installation to avoid or minimize adverse impacts on

ecological functions and ecosystem-wide processes.

3. Piers, docks, and floats should be designed to cause minimum interference with navigable waters, the public's use of the shoreline, and views from adjoining properties.

3.4. Locate and design pPiers, floats, and docks should be sited and designed to avoid and minimize possible adverse environmental impacts on ecological functions, including fish and wildlife habitat, and impacts to ecosystem-wide; and including potential impacts on shoreline processes such as, littoral drift and sand movement, water circulation and quality, and fish and wildlife habitat. Ensure that piers, floats and docks are:

a) Designed in consideration of the proposed intensity of use, the shoreline characteristics, tidal action, aesthetics and minimization of impacts to adjacent land and public use of the waters of the state.

b) Prohibited at locations where critical physical limitations exist, such as shallow, sloping bottoms; areas of frequent high wind, wave, or current exposure; high littoral drift areas; or slide prone and/or feeder bluffs.

c) Designed and maintained to mitigate adverse impacts to the environment such as eelgrass beds and fish habitats, shoreline aesthetics, and, water quality, and to minimize interference with navigable waters and the public's use of the water and shoreline. Design considerations should:

- i. Limit pier and float width to extent necessary for the intended use;
- ii. Provide functional grating for light penetration;
- iii. Configure pier and float orientation to minimize shading;
- iv. Prohibit auxiliary structures on piers and floats;
- v. Provide a mechanism to prevent floats from resting on beach;
- vi. Encapsulate floatation to prevent to breakup and loss of material;
and
- vii. Use a site specific span distance to avoid adverse impacts salt water critical habitat

d) Designed, constructed, and maintained to provide a reasonable level of safety to users.

4.5. Proponents of commercial pier, float, and dock projects are encouraged to provide for public docking, launching, and or recreational access.

5.6. Encourage the development of public docks with floats at appropriate road-end locations. Local programs and coordinated efforts among private and/or public agencies should be initiated to develop new public access docks, and to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.

6.7. Encourage the uUse of natural, ~~nonreflective~~ materials in pier and dock construction ~~should be encouraged.~~ Chemical wood treatments, such as creosote or pentachlorophenol are prohibited on all new structures or repair projects. When pPlastics and other nonbiodegradable materials may be are used, however, precautions should be taken to ensure their containment.

Comment [LH211]: In New Policy #3

Comment [LH212]: WAC 173-26-231(3)(b); Modified Anacortes Policy 9.5.5.

Comment [R213]: Quick bulleted list of Seattle District Regional General Permit 6 for Residential overwater structure construction.

7.8. Implement an education program for boat owners and operators on best management practices for use of boat maintenance and overwater structure maintenance products. The proposed size of the structure and intensity of use or uses of any dock, pier, and/or floats should be compatible with the surrounding environment and land and water uses.

8.9. Limit the development of new docks and piers ~~should be limited~~ in harbors and encourage public docks and private community docks. ~~In Blakely Harbor new docks and shall be prohibited within Blakely Harbor between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as "Pigott Pt" or "Jasmine Pt"), except that:~~

- a) In Blakely Harbor new docks ~~and shall be prohibited within Blakely Harbor~~ between Restoration Point and the most eastern point along the north shore of Blakely Harbor (sometimes referred to as "Pigott Pt" or "Jasmine Pt"), ~~Public docks and private community docks should be encouraged.~~
- b) In Blakely Harbor A total of two community docks should be allowed, ~~with no more than one~~ along each the north and south shores, ~~respectively~~, provided that all residents along each shore are provided shall have a non-extinguishable option to access the community dock located along their respective shore; and
- c) One small public dock and/or pier for the mooring of dinghies and loading or unloading of vessels should be allowed for daytime use.

Comment [LH214]: In New Policy #4

Comment [LH215]: Broadened as recommended by workgroup

Comment [R216]: Moved to beginning paragraph