Island County Comprehensive Plan

3. Shoreline Management Element

Shoreline Master Program Goals and Policies
Chapter 16.21 Shoreline Management
Chapter 17.05 Shoreline Use Regulations

Originally Adopted by Resolution for DOE Approval on September 29, 1998
Effective date of SMP – June 21, 2001
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter I: Goals and Policies Statements</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>5</td>
</tr>
<tr>
<td>Purpose</td>
<td>5</td>
</tr>
<tr>
<td>Relationship of this Element to the Land Development Regulations</td>
<td>5</td>
</tr>
<tr>
<td>GOALS AND POLICIES FOR PROGRAM ELEMENTS</td>
<td>5</td>
</tr>
<tr>
<td>I. Economic Development Element</td>
<td>5</td>
</tr>
<tr>
<td>II. Public Access Element</td>
<td>7</td>
</tr>
<tr>
<td>III. Circulation Element</td>
<td>8</td>
</tr>
<tr>
<td>IV. Recreation Element</td>
<td>9</td>
</tr>
<tr>
<td>V. Shoreline Use Element</td>
<td>10</td>
</tr>
<tr>
<td>VI. Conservation Element</td>
<td>11</td>
</tr>
<tr>
<td>VII. Historical/Cultural Element</td>
<td>12</td>
</tr>
<tr>
<td>VIII. Implementation Element</td>
<td>14</td>
</tr>
</tbody>
</table>

| Chapter II: Shoreline Environments      | 16   |
| ENVIRONMENTAL DESIGNATIONS              | 16   |
| NATURAL ENVIRONMENT                     | 17   |
| Definition                              | 17   |
| Purpose                                | 17   |
| Criteria for Designation                | 17   |
| Environment Development Policies        | 18   |
| CONSERVANCY                             | 18   |
| Definition                              | 18   |
| Purpose                                | 19   |
| Criteria for Designation                | 19   |
| Environment Development Policies        | 19   |
| RURAL ENVIRONMENT                       | 20   |
| Definition                              | 20   |
| Purpose                                | 20   |
| Criteria for Designation                | 20   |
| Environment Development Policies        | 20   |
| URBAN ENVIRONMENT                       | 20   |
| Definition                              | 20   |
| Purpose                                | 21   |
| Criteria for Designation                | 21   |
| Environment Development Policies        | 21   |
| SHORELINE RESIDENTIAL ENVIRONMENT       | 22   |
| Definition                              | 22   |
| Purpose                                | 22   |
| Criteria for Designation                | 22   |
| Environment Development Policies        | 22   |

| AQUATIC ENVIRONMENT                     | 23   |
| Definition                              | 23   |
Chapter III: General Policies

POLICY STATEMENTS

A. Agricultural Uses
B. Aquaculture
C. Forest Management Practices
D. Commercial Development
E. Marinas
F. Mining
G. Outdoor Advertising, Signs and Billboards
H. Residential Development
I. Utilities
J. Water-Dependent Industry
K. Shoreline Stabilization
L. Landfill
M. Solid Waste Disposal
N. Dredging
O. Road and Railroad Design and Construction
P. Piers
Q. Pipelines and Petroleum Operations
R. Archaeological Areas and Historic Sites (see Chapter I)
S. Recreation (see Chapter I)

Chapter IV: Shorelines of Statewide Significance

MANAGEMENT PRINCIPLES AND DEVELOPMENT GUIDELINES

Appendices/Maps

A. ISLAND COUNTY AQUACULTURE DISTRICTS
B. SHORELINES OF STATEWIDE SIGNIFICANCE
C. ENVIRONMENT DESIGNATION MAPS
Chapter I: Goals and Policies Statements

INTRODUCTION

Purpose

This element provides goals and policies additional to those of other elements in this Plan, and applies to all shorelines of the state and freshwater lakes 20 acres or larger, the area 200 feet landward from the line of ordinary high tide and also seaward of that line. It is the intent of this program to manage the use and development of the shorelines of Island County, giving preference to water-dependent and water-related uses, to encourage shoreline development and use to occur in harmony with natural conditions and to avoid impacts of development and use.

This element is composed of four chapters: overall goals and policies, which apply to all shoreline uses and activities and are the foundation of the Shoreline Management Master Program (SMP), and which set the priorities for the whole element; the shoreline environments section which designates segments of the shoreline for specific uses; a section with policies that apply to specific uses of the shoreline; and a section on shorelines of statewide significance.

Relationship of this Element to the Land Development Regulations

The shoreline use regulations that implement the goals and policies of this element are contained in Chapters 16.21 and 17.05 of the Island County Code (ICC). Chapters 16.21 and 17.05 essentially represent Part 2 of the County’s SMP, with this element of the Comprehensive Plan being Part 1. Except where otherwise stated, the Master Program applicability is coterminous with areas shown on the Official Shoreline Master Program Designated Environments Map. In the event of a conflict between the provisions of the SMP and any other elements of the Comprehensive Plan, or chapters of the ICC, the more restrictive provision controls.

GOALS AND POLICIES FOR PROGRAM ELEMENTS

The Master Program “Elements” as outlined in this document are the foundation for the SMP. This Master Program is primarily regulatory in nature. The shorelines are classified into environments, and various development use requirements “overlay” the land use map and zoning regulations for the underlying land located 200 feet landward from the ordinary high water mark (OHWM) and surrounding lakes 20 acres or larger. Shoreline jurisdiction also extends waterward to the County’s jurisdictional boundary.

This section will briefly discuss the local nature of each element, describing how the element applies to Island County’s Shorelines.

I. Economic Development Element

The Economic Development Element deals with the location and designs of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the State.
This element must consider relationships between activities, structures, and environmental modifications which make up economic development, the developed and undeveloped shorelines, and the remaining areas of the County. For the purposes of Shoreline Management, economic development means man’s use of the shoreline area to produce goods and services. Thus, resorts, fishing and transportation facilities are all examples of economic development.

When new economic development is proposed, questions of location, design and operation must be dealt with by the developer and by any regulatory agencies. Physical effects of the new development upon other activities and resources must also be taken into consideration. Public decision makers must recognize that shoreline space and resources are severely limited in quantity and that their innate qualities and potential uses vary greatly. Some types of shorelines are abundant, others are uncommon or unique.

**GOAL:** PROVIDE FOR CONTROLLED ECONOMIC DEVELOPMENT OF SHORELINE DEPENDENT USES. DEVELOPMENT ALONG SHORELINES WILL BE SO LOCATED AND DESIGNED TO ENSURE COMPATIBILITY AMONG USES FOR THE PURPOSE OF ACHIEVING LASTING BENEFICIAL EFFECTS AND ENHANCING THE QUALITY OF LIFE FOR RESIDENTS OF ISLAND COUNTY WITH MINIMUM DISRUPTION OR DEGRADATION OF THE ENVIRONMENT.

In order to assist public decision-makers in determining how shoreline commercial and industrial development proposals relate to the public interest, the following set of general development policies should be applied.

**General Development Policies**

1. Limit commercial development along shorelines to water-oriented uses and industrial development to water-dependent uses.

2. Economic resources to improve the standard of living for residents of Island County shall be considered in the planning process.

3. New commercial and industrial development on shorelines should be encouraged to locate in those areas where like-use activities exist, provided the current location is suitable for such uses.

4. Commercial and industrial developments should be located along shorelines having low value for other uses.

5. Encourage the development of commercial and industrial activities that do not require substantial increases in public expenditures for normal public services.

6. Provide for a program to assess the effects commercial and industrial developments have on the environment.

The economic goals and policies as outlined in this document will have a direct effect on economic development and shoreline utilization within this County.
II. Public Access Element

This element is concerned with physical access to publicly owned shores and tidelands and visual access to public waters. Island County has 221 miles of fresh and saltwater shorelines, both privately and publicly owned. The greatest portion of these shorelines are privately owned, thus creating problems for providing access to the general public.

The general physiography of shorelines within the County can be cited as the major limiting factor to public access development. Elevations of 100 to 300 feet are frequently found at the land-water interface in the form of sloping bluffs or sea cliffs. These bluffs and cliffs are composed of glacially deposited and drifted materials, ranging from very stable to unstable causing sliding and high erosion outwash areas. Cliffs and bluffs are physical barriers to any form of access, thus causing those areas of low-bank or no-bank waterfront to be sought after for access, building, farming, and commercial and industrial development. Those shoreline areas which present the least number of physical limitations for use are usually the most populated and so afford the greatest potential for conflict between public users and private landowners. It is, therefore, important to consider the “IMPACT” which public access development could have on the property and activities of adjacent landowners. Also the “IMPACT” of not providing adequate public access must be considered, in order to ensure existing facilities are not overused and/or private rights violated.

To meet present public access problems and project the need for future access development, the following Goal and General Development Policies have been established.

**GOAL:** EXPAND AND ENCOURAGE THE DEVELOPMENT OF SAFE, CONVENIENT, PROPERLY ADMINISTERED, AND DIVERSIFIED PUBLIC ACCESS TO PUBLICLY OWNED SHORELINES AND TIDELANDS OF ISLAND COUNTY IN SUCH A MANNER THAT INTRUSIONS CREATED BY PUBLIC ACCESS WILL NOT INFRINGE UPON THE PERSONAL OR PROPERTY RIGHTS OF ADJACENT RESIDENTS OR IN OTHER RESPECTS WILL NOT HAVE AN ADVERSE IMPACT ON THE ENVIRONMENT.

**General Development Policies**

1. Respect and protect private rights in shoreline property when considering public access development.

2. Encourage the development of public access to all shorelines of statewide significance, where appropriate.

3. Encourage commercial and industrial waterfront development to provide a means for visual and pedestrian access to the shorelines of the state.

4. Encourage the acquisition of suitable upland shoreline properties to provide access to the public to publicly owned shorelands and tidelands.
5. Locate, design and maintain public access development so as to protect the environment.

6. Provide for the public’s health, safety, and educational opportunities when developing public access.

The Shoreline Management Act of 1971 makes specific reference to providing additional public access to shorelines of the state and gives local jurisdictions the opportunity to explore various forms of public access.

In NEW SECTION, Section 1 of the Shoreline Management Act, while referring to the entire public’s interest in the management of Shorelines of Statewide Significance, this comment is made:

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, 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 development which are particularly dependent of their location on or use of the shorelines of the State and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the State.

This quote from the Shoreline Management Act of 1971 broadens and gives greater meaning to the term “PUBLIC ACCESS,” in that now other less conventional forms of access can be explored.

Residential Development and Access to the Shores and Tidelands

The vast majority of the County’s platted lots are to be found on fresh and saltwater shorelines, providing view and access to individual lot owners. It has been the rule, rather than the exception, that developers, in designing and laying out streets within waterfront developments, will provide access to shores and tidelands. One option is to more widely disseminate maps approved by the Board of County Commissioners showing county road ends along with any restrictions that need to be recognized in order to respect private property rights. It would also be advantageous if Island County and the municipalities of Oak Harbor, Coupeville, and Langley developed programs, separately or cooperatively, in which lands could be acquired within the shorelines for public use.

III. Circulation Element

This element is concerned with the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the Shoreline Use Element.

This element deals with those structures and activities connected with the movement of people, goods and services, and with their relationship to the shorelines. Along with roads, highways and marine terminals, this element considers major product pipelines, power transmission lines,
telephone lines, airports, pedestrian, equestrian and bicycle paths. Circulation activities include commuter and pleasure auto trips, truck transport, foot traffic, land-sea interface cargo handling and many others.

Circulation patterns or corridors, if not designed and located properly, do have varying detrimental environmental impacts.

The goal and policies will serve as the guiding tools for design and construction of circulation systems within the shorelines of Island County.

**GOAL:** WHERE TRANSPORTATION/CIRCULATION FACILITIES MUST BE LOCATED WITHIN SHORELINE JURISDICTION, DEVELOP SAFE, SYSTEMS TO ASSURE EFFICIENT MOVEMENT OF GOODS AND PEOPLE, WITH MINIMUM DISRUPTIONS TO THE SHORELINE ENVIRONMENT AND MINIMUM CONFLICT BETWEEN THE DIFFERENT USERS.

**General Development Policies**

1. Locate and design circulation systems so as to ensure their harmony with other economic and social activities, both present and future.

2. Design circulation systems that provide safe and efficient movement of people and products.

3. Locate and design circulation systems so that natural shorelines remain substantially unmodified.

4. Provide for alternate modes of travel when developing circulation systems. (Example: non-motorized trail systems incorporated into the basic design and into the final construction of highways.)

5. Major highway/circulation systems should be located away from the land-water interface for the protection of unique and valuable shoreline ecosystems, unless an alternate location would increase public access or provide other beneficial use of shoreline areas.

6. Provide for road access to shorelines that is aesthetically compatible and non-disruptive to natural shorelines.

7. Encourage joint-use transportation/circulation corridors.

**IV. Recreation Element**

This element is concerned with the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches and recreational areas. Island County, in planning for additional recreation areas and facilities within the shorelines, is currently updating its Parks and Recreation Plan. This plan is a detailed and comprehensive study of Island
County’s recreation needs and demands for the next 20 years, including shoreline recreational uses.

Realization of the state and local needs, plus local resources, have led to the following Goal and Policies:

**GOAL:** ENCOURAGE UTILIZATION OF SHORELINES FOR DIVERSE FORMS OF RECREATION DESIGNED TO PROTECT PRIVATE RIGHTS OF ISLAND COUNTY RESIDENTS AND ACHIEVE MAXIMUM COMPATIBILITY WITH NATURAL SHORELINE SYSTEMS.

**General Development Policies**

1. Preserve regionally scarce and fragile natural resources when developing recreational uses.

2. Provide for the acquisition of shorelands, with high value for recreation, before other development makes such action impossible.

3. Provide a balanced choice of passive and active recreational opportunities countywide.

4. Shoreline recreational development within Island County will be consistent with established Goals and Policies of the countywide Park and Recreation Plan.

5. Encourage innovative and cooperative techniques among public agencies and private persons in planning recreational opportunities.

6. Provide for recreational development within shorelines of statewide significance, which will produce long-term benefits to all Island County and State citizens.

7. Encourage private investment in recreation facilities.

8. Recreational development should be located, designed and operated to minimize adverse effects on social, economic, and natural shoreline systems.

9. Encourage the establishment of scenic view points.

**V. Shoreline Use Element**

This element considers the pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including but not limited to housing, commerce, industry, transportation, public facilities, utilities, agriculture, education and natural resources. Also to be considered is the pattern, distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation. By the very nature of this element, it becomes one of the foremost of the County’s management responsibilities. To what use, if any, shall we put the various lands, waters, wetlands, and shorelines under the jurisdiction of the Act?
GOAL: ASSURE THAT CONSERVATION AND DEVELOPMENT OF ISLAND COUNTY’S SHORELINES IS BALANCED, ORDERLY, IN SUITABLE LOCATIONS, AND DONE WITH MINIMUM DISRUPTION TO THE NATURAL ENVIRONMENT.

General Development Policies

1. Reserve shoreline land and water areas for uses consistent with the shoreline’s environmental characteristics.

2. Encourage clustering of compatible uses for shoreline development within Island County.

3. Encourage all potential shoreline uses to provide for development that has limited environmental impact on existing natural systems.

4. Land uses allowed on upland areas adjacent to the shorelines should be consistent with shoreline uses and should avoid impacting shoreline resources.

This SMP’s environment designations and regulations strive to meet the above goal and policies. We must also remember the other regulations and controls presently in force through local zoning, subdivision, grading and building ordinances will address the potentially adverse impacts on the natural environment.

VI. Conservation Element

This element deals with the preservation of the natural shoreline resources considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

One of the greatest challenges before the people of Island County is to maintain or meet projected needs for shoreline development, while at the same time conserving those systems that are environmentally sensitive. Within Island County, natural accretion and eroded shoreforms are often selected as prime building areas, sometimes ecologically altering these systems. Shoreline conservation strategies should be developed to promote protection of these important biophysical functions. The level of human uses allowed by the Comprehensive Plan and zoning regulations should be evaluated to assure that such use is consistent with the protection of shoreline resources.

GOAL: ASSURE PRESERVATION AND CONTINUED UTILIZATION OF ISLAND COUNTY’S UNIQUE, FRAGILE AND SCENIC RESOURCES.

General Development Policies

1. Provide for conservation controls which will enhance the quality of natural resources on shorelines for the enjoyment and utilization of future generations of users.
2. Provide for the protection of endangered species and habitat areas essential for propagation of shoreline oriented species.

3. Encourage local citizen participation in determining shoreline conservation strategies appropriate to Island County.

4. Preserve shoreline areas having unique natural resource systems valuable for scientific research for future study.

5. Encourage the preservation of scenic and aesthetic qualities of shorelines and vistas.

6. Contribute to a beneficial utilization of shoreline related resources without harming natural systems or the overall quality of the natural environment.

7. Restore damaged features or ecosystems to a higher quality than may exist currently.

8. Encourage the use of permanent open spaces, buffers, and accepted erosion control methods to retard surface and underground runoff for protection of the shoreline lands and waters.

VII. Historical/Cultural Element

This element considers those shoreline areas which are rich in archaeological and historical data pertaining to Island County’s early history and development. It is the intent of this element to establish policies that will aid in the protection and restoration of buildings, archaeological sites and areas having historic, cultural, educational, or scientific value.

Island County has established one of the largest Historical Preservation Districts (Ebey’s Landing) in the Puget Sound Basin and Pacific Northwest. Additionally, Island County has a large number of prehistoric cultural resources which occur on a variety of public and private lands. To date, only a small portion of these resources have been identified and catalogued. The current archaeological site inventory for the County includes a number of different sites, of which the five major types are shell middens, lithic sites, earthworks, rock cairns, and burial grounds. While shell middens and burial grounds are strongly associated with shorelines, the other types may also be found within the shorelines of the County.

**GOAL:** PROTECT, PRESERVE AND RESTORE HISTORICAL, CULTURAL, EDUCATIONAL AND SCIENTIFIC SITES WITHIN THE SHORELINES OF ISLAND COUNTY.

**General Development Policies**

1. Identify areas containing potentially valuable cultural resources and sites, both historic and pre-historic, and establish procedures for protecting and preserving them.

2. The County will prepare and maintain a current inventory of all known and suspected historic and archaeological sites in cooperation with the state Office of Archaeology and
Historic Preservation and officials from the affected Indian tribe. This inventory will be kept in a secure location and used by County staff only for the purpose of verifying the presence of an archaeological site on a subject property. The County shall update its inventory of archaeological sites by incorporating information contained in the archaeologic reports required by Section 6 below. Additionally, should any new archaeological site be discovered during development or otherwise, the County shall also incorporate information obtained from the newly discovered site in its inventory and shall forward or cause to be forwarded this information to the state Office of Archaeology and Historic Preservation and the affected Tribe.

3. The County will prepare and implement procedures identifying and protecting archaeological sites within its jurisdiction. The County shall provide the affected Tribe, the Office of Archaeology and Historic Preservation, the Trust Board of the Ebey’s Landing National Historical Reserve and the Island County Historical Society with a copy of these procedures and any amendments hereto.

4. The County will ensure that affected tribal organization(s) and the Office of Archaeology and Historic Preservation, are involved in the review of projects having potential impacts on archaeological sites by, at a minimum, providing the affected Tribe, organization and agency with a copy of the permit application for all such projects and notifying the owner or project proponent of his/her responsibility to consult with the affected Native American Tribe.

5. Where a proposed development is located on or near an archaeological site, the County will require the property owner or project proponent to engage a qualified professional archaeologist to investigate and report to the County upon the location, condition, extent of the site and any recommendations in regard to treatment. The report shall be forwarded to the affected Tribe. The affected Tribe’s comments on any findings and recommendations proposed by the archaeologist on behalf of the property owner or project proponent, shall be attached to the report. The report shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology. A copy of the archaeologist’s report shall be provided to the affected Tribe and the Office of Archaeology and Historic Preservation.

6. No permit for an application requiring an archaeologist’s report will be issued prior to the receipt by Island County of a required archaeological report. Based on the information contained in the written report of the qualified professional archaeologist, including the recommendations of the affected Indian Tribe on avoidance or mitigation of the proposed project’s impacts obtained during the consultation process, the County will condition and balance project approval in a manner to avoid or minimize impacts to the site consistent with federal and state law. Avoidance and conservation of the site is the preferred treatment.

7. The County shall require property owners or project proponents to immediately halt work if, during the course of development, and particularly during actual construction, human remains or archaeological resources are encountered. The property owner or project proponent shall be required to contact the affected Native American Tribe, the County and
the Office of Archaeology and Historic Preservation. This contact shall initiate a consultation process for determining subsequent actions.

8. The County will work with affected Tribes and others to protect Native American artifacts and sites of significance, and other archaeological and cultural resources as mandated by RCW 27.53.

9. Encourage revisions and updatings of local administrative codes that protect and restore historical, cultural, educational and scientific sites.

10. Encourage the preservation of sites for scientific study and public observation.

VIII. Implementation Element

The implementation element may be considered the key to the success or failure of the Shoreline Management Act in Island County. This element basically deals with the conduct of the Shoreline Permit system, the application of the legal requirements of the Shoreline Management Act, and the fulfillment of the other elements making up the Master Program. A successful implementation element will provide Island County with a successful Shoreline Program and thereby lead to a wise and rational usage of Island County’s abundant shoreline heritage.

**GOAL:** FURTHER THE INTENT AND POLICY OF THE SHORELINE MANAGEMENT ACT OF 1971 THROUGH A FAIR, BALANCED, AND IMPARTIAL ADMINISTRATION OF THE SHORELINE PERMIT PROCESS AND OTHER LEGAL REQUIREMENTS OF THE ACT.

General Development Policies

1. Base all official actions relating to shoreline permits upon the goals, policies, environment designations, use allocations, and performance standards contained within the adopted Master Program and the SMA and its implementing regulations.

2. Employ the performance standards of the Master Program to insure the highest degree of shoreline protection.

3. Give preference to those goals and policies designed to protect the natural character of the shoreline.

4. Process shoreline permits and exemption requests as expeditiously as the law and thorough analysis and review will allow.

5. Seek advice and assistance from recognized experts at Federal, State, or local levels whenever technically complex issues are involved in a shoreline permit.

6. Grant variances from the provisions of the Master Program only in those limited instances when strict compliance with the provisions of the Master Program would prevent any reasonable use of the property involved.
7. Conditional Use Permits may be approved when they will further the intent of the Master Program, be compatible with the surroundings, and be regulated to minimize undesirable effects on the shorelines of the county.

8. Comply with the requirements of the State Environmental Policy Act of 1971 including but not limited to, the filing of environmental checklists or an Environmental Impact Statement in processing shoreline permits.

9. Provide assistance to the general public with regard to the provisions and requirements of the Shoreline Management Act of 1971 and Island County’s Master Program.


11. Provide reasonable use allowances to protect the basic fundamental attributes of land ownership and to prevent regulatory takings of property without due compensation.
Chapter II: Shoreline Environment

ENVIRONMENTAL DESIGNATIONS

In order to plan and effectively manage shoreline resources, a system of categorizing shoreline areas was recommended to the local governments by the Department of Ecology for use in the preparation of master programs. The purpose of categorizing shorelines is to provide a uniform basis for applying policies and use requirements within distinctively different shoreline areas.

Three basic principles were set forth in Chapter 173-16 WAC of the Shoreline Management Act of 1971, regarding establishing shoreline environment designations:

*The environment designation to be given any specific area is to be based on the 1) existing development pattern; 2) the biophysical capabilities and limitations of the shoreline being considered for development; and 3) the goals and aspirations of local citizenry.*

In Chapter 173-16 WAC of the Shoreline Management Act of 1971, four different environmental categories are described: 1) natural; 2) conservancy; 3) urban; and 4) rural. However, two additional environment categories have been included in the SMP to more fully reflect the varied shoreline development patterns and issues in Island County: 1) shoreline residential; and 2) aquatic, including a sub-category, aquatic-conservation to identify critical biological areas within the aquatic zone.

In order to identify as well as differentiate the shorelines of Island County in accordance with this six-fold classification, a series of descriptive criteria were devised for each of the categories. The various environmental categories, along with their reflective criteria, are discussed in this chapter. The difficulty of designating all of the 220-odd miles of shorelines of Island County with a high degree of objectivity, comparability, and consistency was clearly recognized. In order to minimize error, every effort has been made to apply the descriptive criteria in a meaningful, factual and logical manner. Moreover, multiple criteria, rather than a single criterion, were always applied.

Due to historical development patterns (pre SMA), some shoreline environments are characterized by small lot parcelization. While some shorelines in the County may be densely platted or developed, the shoreline may still enjoy a high environmental quality and/or experience significant development constraints. It is therefore conceivable that a platted or developed shoreline may have an environmental designation that is typically representative of an area relatively free of human influence. These areas have been screened and additional shoreline use regulations (17.05 ICC), grading regulations (11.02 ICC), and critical area regulations (17.02 ICC) have been applied to address potential adverse impacts from development in these areas. Potential development constraints in the shoreline areas which have been screened and addressed through strengthened land development regulations include:

1. Actual annual flooding.
2. 100-year flood potential.
3. Areas subject to severe erosion.
4. Soils with rapid percolation in areas of high water table.
5. Soils with limited percolation properties - creating surface, subsurface and potable water contamination hazards.
6. Slope or bluff not having a potential for lot development due to the physical characteristics of the bluff to support such development.
7. Internal street problems - i.e., streets that are too narrow or steep to allow adequate fire and/or sanitation service.
8. Areas with substandard usable lot size.

Future platting shall be consistent with the environment designation, as well as all other pertinent regulations.

NATURAL ENVIRONMENT

Definition
The Natural Environment is an area relatively free of human influence, chiefly valued for its undisturbed natural features or processes.

Purpose
The purpose of the natural environment designation is to preserve, protect, and restore those natural features and resources valuable in their natural or original condition by requiring severe restrictions on intensities and types of uses, thus allowing them to continue in their natural state.

Criteria for Designation
1. Areas where human influence and developments are minimal.
2. Areas designated as “Natural Environment” should be free from development, or capable of being restored to natural condition.
3. Areas designated as Natural Environment should be large enough to protect the value of the resource.
4. An area utilized by wildlife (especially rare, diminishing or endangered species) that provides food, water, or cover and/or protection.
5. A seasonal haven for concentration of native animals such as constricted migration routes.
6. Areas representing the basic ecosystem and geologic types.
7. Ecotones, transition types, and other areas representing deviation from the basic ecological and geological norms but which are of value.

8. Areas which best represent undisturbed nature.

9. Areas which contain unique or scientifically important features which are especially amenable to manipulation, or which contain important rare and/or endangered species.

10. Areas which play an important part in maintaining the ecological balance of the region.

11. Areas rich in variety and/or quantity of life forms.

12. Areas important to the maintenance of the natural quality and flow of the water.

13. Wildlife habitat areas within populated areas, where people can view or become knowledgeable about wildlife.

14. Areas with histories of scientific research.

15. Those areas having a high scenic value in their natural state.

Environment Development Policies

1. Those Natural Environment areas intolerant of human use and modification should remain free from all development. Burden of proof should be placed on the applicant proposing development to prove site intolerance or tolerance to development.

2. Beach access development should be for community or public purposes as long as such construction does not unduly alter the environment. Public beach access on bluffs larger than 10 feet in height and for new subdivisions may be allowed for community purposes only. Public beach access on banks lower than 10 feet in height may be allowed for single family residences by means of a low impact trail.

3. Provide for local legislation which evaluates all development potentials, allowing certain forms of shoreline-dependent and attractive uses and severely restricting those uses which destroy or substantially degrade the characteristics of a Natural Environment.

4. All land and water use activities which are permitted to locate within shoreline areas designated Natural Environment should be required to provide detailed environmental, social, wildlife, and general geologic data for the protection of existing natural systems.

CONSERVANCY

Definition

The Conservancy Environment is an area which permits varying densities of human activity, while retaining the aesthetic, cultural, ecological, historic and recreational resources.
Purpose
The purpose of the Conservancy Environment is to protect, conserve, and manage: harvestable natural resources, as well as aesthetic, cultural, ecological, historic, and recreational areas in order to achieve a continuous flow of sustained yield resource utilization.

Criteria for Designation
1. Areas containing resources which lend themselves to management on a sustained-yield basis.
2. Areas possessing valuable natural resources or features which would tolerate only minimal changes in topography or the land/water interface.
3. Public or community owned areas used for recreation and/or public or community owned areas which have been designated for recreational use.
4. An area having aesthetic, cultural, ecological, historic, or recreational qualities of such high regional or statewide significance that inappropriate modification or use would adversely affect such qualities.
5. Areas which, in addition to meeting one or more of the other designation criteria, may be characterized by significant environmental constraints to development, including steep slopes presenting erosion and slide hazards, areas prone to flooding, and/or areas which cannot provide adequate water supply or sewage disposal.

Environment Development Policies
1. New development should be restricted to those which are compatible with the natural limitations of the land.
2. Where appropriate, publicly owned use areas and/or commercially oriented recreational uses should be encouraged to provide public access to the shorelines without impinging upon the riparian rights of the private property owner.
3. All new subdivisions and non-residential development with bluffs greater than 10’ in height in the Conservancy designation should be required to provide for community or public access. New non-residential development does not include remodeling, reconstruction due to natural disaster, minor expansions to the use or minor structural modifications and additions. Public beach access on banks lower than 10’ in height may be allowed for single-family residences by means of a low impact trail.
4. Commercial and industrial uses should not be allowed in this environment.
5. The aesthetic, cultural, ecological, historic, and recreational character of the area is to predominate over the impact of human development.
RURAL ENVIRONMENT

Definition
The Rural Environment is an area of low intensity development, including but not limited to agriculture, large residential lots, low intensity commercial or recreational uses.

Purpose
The purpose of the Rural Environment is to protect prime farm land as well as other historically rural areas from high intensity commercial, industrial and residential development.

Criteria for Designation
1. Areas used for agricultural purposes.
2. Areas not now used for agriculture but where such use would be appropriate and yield optimum County or Regional benefits.
3. Areas modified from their natural vegetative cover and/or surface drainage patterns, but generally with low density development.
4. Areas which form natural buffer zones between areas of higher density land utilization.
5. Areas in which each lot has at least 165 feet of shoreline frontage.

Environment Development Policies
1. Residential, industrial, and commercial development should not occur on prime agriculture lands.
2. Agriculture lands within the shorelines should have low density housing.
3. Agricultural practices should minimize pollution of the waters, especially as this pertains to the use of fertilizers and pesticides.
4. Encourage progressive farm management practices which prevent erosion and minimize the flow of waste material into water sources.
5. Encourage recreation which is compatible with the Rural Environment and acceptable to the land owner.

URBAN ENVIRONMENT

Definition
The Urban Environment is generally an area of intensive development including but not limited to urban density residential, commercial, and industrial uses.
Purpose

A shoreline should be designated “Urban” to ensure optimum County benefits through intensive development which is appropriate and which enhances the area.

Criteria for Designation

1. Areas of high density residential, commercial and industrial use.
2. Areas of lower density subject to pressures for development within the near future.
3. Areas designated Urban under local Comprehensive Plans.

Environment Development Policies

1. Because shorelines suitable for Urban uses are a limited resource, emphasis shall be given to development within already developed areas.
2. Priority should be given to “water-dependent and water-oriented” uses over other uses. Uses which derive no benefit from a water location should be discouraged.
3. Priority should be given to developing visual and pedestrian access to publicly owned shorelines and tidelands in the Urban Environment.
4. Where practical, link public access points with non-motorized transportation routes.
5. Redevelopment and renewal of substandard areas or obsolete developments should be encouraged in order to make maximum use of the shoreline resources.
6. Aesthetic considerations should be actively promoted by means such as sign control regulations, architectural standards, and planned unit developments.
7. No development should be allowed to significantly degrade the quality of the environment including water quality, air quality, or creation of excessive erosion or drainage problems.
8. Encourage open-space recreation activities within shoreline areas of high-intensity land use.
9. Encourage political entities having jurisdiction over shoreline areas designated Urban Environment to plan for the acquisition of lands to meet future development needs.
10. Contain Urban areas by encouraging full utilization of existing Urban areas before allowing further expansion.
SHORELINE RESIDENTIAL ENVIRONMENT

Definition

A shoreline Residential Environment area is one that has been modified from its natural state by residential unit construction. It will identify those shoreline areas which are currently developed and/or having potential for residential development at a degree of density greater than that of the Rural Environment as defined in this Chapter.

Purpose

The primary purpose for designating an area shoreline residential is to allow for the continuation of residential unit construction. By identifying those areas which are presently developed residential and those having potential for residential development, Island County and the municipalities therein can make realistic determinations for meeting present and projected demands for housing.

Criteria for Designation

1. Those shoreline areas having a higher density of housing than the Rural Environment.
2. Areas which are tolerant of the physical modifications necessary to accommodate residences.
3. Areas which are legally subdivided for residential use.
4. Areas designated in the adopted plans of public agencies for expansion of residential areas.
5. Areas most appropriately meeting the needs for residential development of the foreseeable future, giving consideration to the areas which can provide the necessary public services, utilities and access to accommodate residents.

Environment Development Policies

1. Residential units should be designed to meet County/City architectural controls so as to adequately protect shoreline aesthetic characteristics.
2. Clustering of residential units will be encouraged to provide open areas within areas designated Shoreline Residential Environment.
3. Shoreline residential developers will be required to indicate how they plan to preserve shoreline vegetation and control erosion.
4. Shoreline residential developers will be further required to attach a protective covenant for individual lot development indicating how the shoreline vegetation will be protected and erosion controlled.
AQUATIC ENVIRONMENT

Definition

The Aquatic Environment is the water surface together with underlying lands and the water column of all marine waters, all lakes, and all streams; including but not limited to bays, straits, harbor areas, waterways, tidelands, beds and shorelands seaward of the ordinary high water mark, and associated wetlands.

The Aquatic-Conservancy Environment (sub-designation) is an area meeting the definition of the Aquatic Environment which has been identified as a critical biological area with exceptionally high ecological value or shellfish and/or fish life and which contains a habitat or species considered highly sensitive and classified as a protected species in Chapter 17.02 ICC.

A Critical Biological Area is an area that meets the following criteria:

1. The area supports a population of a protected species that not only consistently reproduces itself, but, because of favorable environmental conditions, provides a major source of recruitment for adjacent areas or regions whose populations do not consistently reproduce themselves.

2. The area consists of a habitat type or types that provide shelter, food, or other environmental necessities during a critical part of the protected species’ life cycle.

Purpose

An area should be designated Aquatic to ensure protection and appropriate use of its resources which are substantially different in character from adjoining uplands, backshores or floodplains as well as to protect and encourage multiple water-dependent use, when such uses are compatible with each other and with uses in the adjoining environment.

An Aquatic-Conservation Environment subdesignation may be designated in those areas which exceptionally high ecological value meeting the definition of a critical biological area and which provide habitat for a species listed as a protected species in Chapter 17.02 ICC. The purpose is to protect valuable fisheries resources that are held in public trust from degradation.

Criteria for Designation

Aquatic

1. All marine water areas seaward of the ordinary high water mark, including estuarine channels and associated marshes, bogs, and swamps.

2. All lakes subject to this program below the ordinary high water mark.

3. Regulated Wetlands which have not been designated in other environments.

Aquatic-Conservancy

1. The area supports a population of a protected species that not only consistently reproduces itself but, because of favorable environmental conditions, provides a major
source of recruitment for adjacent areas or regions whose populations do not consistently reproduce themselves. The area should remain relatively free of human development.

2. The area supports a species or contains a habitat that is classified as highly sensitive and is listed as a protected species in chapter 17.02 ICC.

3. Should the protected species flourish so that it no longer meets the criteria for a highly sensitive species and is removed from the protected species list, the Aquatic Conservation designation should be reconsidered.

**Environment Management Policies**

1. Since all shorelines within the County seaward of the line of extreme low tide and those shorelines on north Whidbey and Camano Islands bordering on Skagit within shoreline jurisdiction, have been designated “shorelines of statewide significance,” activities proposed in those areas shall be subject to, first, the policies contained in, Shorelines of Statewide Significance and, second, the policies and regulations contained in this section.

2. Docks, piers, swim floats, floating aquaculture structures, and similar overwater structures, with the exception of mooring buoys, should be prohibited in the Aquatic-Conservation designation unless it can be clearly shown that the cumulative environmental impacts of such structures will not cause significant adverse impacts to the protected species.

3. Several industries using the same tideland or shoreline facilities should be given preference over single industry use.

4. Provisions shall be made to minimize interference with surface navigation.

5. The natural circulation and volume of water should be maintained to the greatest extent possible.

6. All developments and activities using navigable waters or their beds shall be located and designed to protect water quality.

7. In appropriate areas where intensive fishing and/or recreational uses have been established, every effort should be made to protect these traditional uses from competing uses which would substantially impact and interfere with the historical and established uses.

8. Activities and uses of a permanent nature which will substantially degrade the existing character or habitat value of an area should be prohibited.

9. Preference should be given to those forms of development that involve lesser environmental and visual impacts. In general, projects or portions of projects that require no structures, submerged structures or minor intertidal structures should be given preference over those that involve substantial floating or surface structures.
10. Projects or portions of projects that require few land-based facilities should be given preference over those that require extensive facilities. Projects that involve little or no substrate modification should be given preference over those that involve substantial modification.

11. Applicants are encouraged to participate in preapplication conferences with governmental agencies. Alternative sites and methods should be reviewed where possible.

12. The County should actively seek substantive comment from all appropriate federal, state, and local agencies, affected tribes, adjacent property owners and the general public on any shoreline permit.

13. Consideration should be given to both the possible positive impacts and the possible detrimental impacts a development might have on the physical environment, on other existing and approved land and water uses, including navigation, and on the aesthetic qualities of the project area.

14. Applicable and reasonable Mitigative measures shall be applied as one of the conditions of approval on permits to control problems of noise, odor, visual impact, waste disposal, or any other adverse impacts or factors of incompatibility.

15. Overwater developments should utilize private commercial facilities for loading and offloading.

16. Use of floating piers and breakwaters on tidelands suitable for such construction should be encouraged for water borne commerce and pleasure craft.

17. Shallow draft uses, such as marinas, will be preferred over deep draft uses in areas requiring extensive maintenance dredging.

18. Anchorages and harbors of refuge may be allocated to provide protection and moorage space for watercraft.

19. Selected publicly owned (second class) tidelands which have not been withdrawn for governmental or aquacultural uses should be considered for recreational development.

20. Where the State owns the abutting uplands, priority will be given to joint development of the uplands and second class tidelands for public use.

21. Where possible, provide access to publicly owned first and second class tidelands.

22. Encourage the development of public clam or oyster use areas on public second class tidelands.

23. Give priority to those marine use activities which create the least environmental impact on tidelands.
24. Encourage cooperation between all State agencies, private persons, and corporations and public agencies responsible for implementing Shoreline Master Programs to insure a more compatible use of tidelands.

25. Those publicly owned bedlands abutting upland parks should be given consideration for underwater parks.

26. Motorized vehicular travel should be discouraged from use on private and public tidelands.

27. Aquaculture practices will be encouraged in those tidelands, waters and beds most suitable for such use.

28. Development of underwater pipelines and cables on first- and second-class tidelands will be discouraged except where adverse environmental impacts can be shown to be less than the impact of upland alternatives, and when permitted will include proper provisions to insure against substantial or irrevocable damage to the environment.

29. Structures and uses on Aquatic lands will be designed to provide for safe passage of migrating animals whose life cycle is dependent on such migration.

30. The use of floating breakwaters shall be encouraged as protective structures rather than using permanent earth and rock fills.

31. Beach material from tidelands and beds will generally not be used to backfill bulkheads and seawalls.

32. Filling operations on the shorelines of the state- and Aquatic-designated tidelands and beds must be accomplished in such a manner as not to create a substantial environmental impact.

33. When filling on tidelands is permitted, provisions to stabilize fill material will be required.

34. New bulkheads in the Aquatic-Conservancy environment designation should be prohibited if they are proposed to be located seaward of the ordinary high water mark.
Chapter III: General Policies

POLICY STATEMENTS

The following general policies were developed to serve as an implementation tool between the goal statements of the planning elements and shoreline use regulations in Chapter 17.05 ICC. Like the goals, the general policies are a requirement of the Act, and their preparation must precede formulation of the rest of the Program. The policies are designed to be flexible, changing as the planning jurisdiction calls for change. Policies are action-oriented directives selected to guide activities towards realization of the goals.

A. Agricultural Uses

1. Buffer zones of permanent vegetation should be encouraged between tilled areas and associated water bodies for retardation of surface runoff and reduction of siltation.

2. Livestock feeding operations in livestock confinement lots should not be allowed within 200 feet of the ordinary high water mark.

3. Soil erosion control measures such as crop rotation, mulching, strip cropping and contour cultivation should be encouraged on lands contiguous to any regulated natural water body within Island County.

4. The shoreline environment will be protected from significant, actual and potential adverse impacts of agricultural chemicals.

B. Aquaculture.

1. Recognition shall be given to the fact that this emerging economic use is still in experimental stages and deserves some latitude in development. This recognition in no manner or form alleviates responsibilities of aquacultural enterprises in maintaining and providing for pollution-free, aesthetically pleasing and undamaged shorelines.

2. Experimental aquaculture development should be limited in scale and should be approved for a limited period of time. Experimental aquaculture means an aquaculture project that uses methods or technologies which are unprecedented or unproven in the state of Washington.

3. The “Island County Regional Aquaculture Study” and other relevant sources of information may be utilized as a guide:
   a. In reviewing proposed aquaculture districts.
b. In identifying the potential positive and negative impacts and compatibility of a given aquaculture proposal.

c. In pre-application discussions with aquaculture proponents in order to identify concerns with a project; in instances where negative impacts or incompatibility with water or upland uses is indicated, the study should be used to suggest alternative sites, methods or mitigative measures.

d. In reviewing environmental checklists which are filed by aquaculture proponents to ensure that impacts are appropriately addressed.

e. In identifying conditions or mitigative measures which could be applied to proposals to mitigate negative environmental impacts or resolve issues of incompatibility.

4. Aquaculture developments shall only be allowed in any of the following locations, provided that all necessary permits and approvals are obtained:

a. In appropriately designed aquaculture districts established in accordance with Policy 15 below, as shown on the Island County Aquaculture Districts Map, with the exception of applicants of record for tracts in Districts 1A, 1B, and 1C, which were eliminated by the Board of County Commissioners on May 21, 1990. These applicants may seek an alternative site outside of established districts on a site-specific basis requiring a Shoreline Substantial Development Permit and Conditional Use Permit, providing the site meets all the requirements of the Island County SMP.

   For types of aquaculture for which no district has been established, applicants may request that a new district be created in accordance with Policy 15, provided that the criteria of Policy 5 and other provisions of this master program can be met.

b. On private tidelands or public tidelands where the criteria of Policy 5, below, and the other provisions of this master program can be met, and the concerns of adjacent property owners are duly considered.

c. On appropriately designated and zoned uplands.

d. On or beneath existing or proposed piers and docks.

e. In select suitable areas if only for experimental culture or harvest on a short-term basis or for seed/egg collection on a seasonal basis. This provision only applies if no suitable area is available within an established aquaculture district in the same bay, harbor, or cove, or similar waterbody or if conditions within established districts are not suitable for the proposed operation.
5. Aquaculture districts shall only be established in specific areas that meet all of the following suitability criteria:

a. The area has been demonstrated to have a reasonably high potential for the type(s) of aquaculture to be allowed.

b. The area does not have a proven major long-term water quality problem that makes the area unsuitable for the type(s) of aquaculture to be allowed.

c. In areas where the design or placement of the facilities would not substantially degrade the aesthetic qualities of the shoreline.

d. The specific area is not commonly used for other aquatic or upland environment uses with which the allowed type(s) of aquaculture would substantially and materially conflict. Some aquaculture methods may be incompatible adjacent to the Shoreline Residential environment and, as a result, will be discouraged.

e. The navigational access of upland owners, recreational boaters, and commercial traffic will not be significantly restricted.

f. Aquacultural use of the entire district or tideland area will not result in any significant adverse environmental impacts that cannot be adequately mitigated through conditions of approval.

6. Reasonable effort shall be made to designate each aquaculture district for as many types of aquaculture as possible and to identify the maximum extent of such districts at the time they are established.

7. Reasonable effort shall be made to accommodate within each aquaculture district, any other existing aquatic environment uses that can be expected to co-exist with the allowed type(s) of aquaculture.

8. Consistent with Policy 4a, aquaculture projects shall be required to locate in suitable existing aquaculture districts with remaining capacity. The County may consider establishing any similar new aquaculture districts in the same bay, harbor or cove, or similar waterbody; however, it is fully anticipated that an upper threshold will be established for the maximum extent of surface water area coverage, which may be developed by new districts utilizing fixed or floating systems. Such limitation shall be recommended to the Board by the Shoreline Advisory Committee, including representatives from the state and diverse local interests, which protects the scenic and recreational qualities of these inlets and addresses the anticipated needs of aquaculture.

9. The Countywide density of net-pen and raft culture operations should be limited as necessary to minimize cumulative environmental impacts.
10. Island County shall not approve any similar new aquaculture projects for applicants that have not made almost full use of their existing aquaculture area(s) in the same district.

11. Island County shall not approve aquaculture projects or portions of such projects that cannot reasonably be developed by the applicant within five (5) years.

12. Aquatic areas, and in particular aquaculture districts, should be protected from water quality degradation that may be caused by any marine or upland project. In instances where such degradation is anticipated, mitigative measures that protect the aquaculture district will be part of the approval of the marine or upland project.

13. Baseline and periodic operational monitoring of specific relevant environmental conditions shall be required, as necessary, at the applicant’s expense, as a condition of approval. Permits should include provisions for adjustment or termination of the project at any time if the monitoring indicates significant adverse environmental impacts that cannot be eliminated or adequately mitigated.

14. Aquaculture developments should not be allowed in areas with any proven major long-term water quality problems that make the area unsuitable for the proposed type(s) of aquaculture, until such problems are resolved. Aquaculture developments shall comply with minimum State Department of Health conditions and requirements to implement this policy.

15. New aquaculture districts may be established by the Island County Board of Commissioners through amendment to the Island County Shoreline Management Master Program, in accordance with RCW 90.58.100 and RCW 90.58.120, upon recommendation by the Shorelines Advisory Committee and Planning Commission if a proposed district meets the criteria established in Policy 5, above.

16. For aquaculture proposals adjacent to, in sight of, and within 2,000 feet of well-developed Shoreline Residential Environments, major public accesses, or major public viewpoints, submerged or intertidal systems may be considered on a conditional basis. Conditional Use Permits shall be approved only upon clear finding that the physical, aesthetic, environmental and recreational qualities of the shoreline are preserved for public enjoyment.

17. Island County should encourage that such information be disclosed to potential buyers by real estate agencies, their agents, lending institutions, title companies and sellers.

18. If Pacific salmon species are proposed to be farmed in Island County, only those stocks with the greatest genetic similarity to the indigenous stocks and approved by the Department of Fisheries shall be used.
19. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards.

20. No new aquacultural district or expansion of existing aquacultural districts can be established without adequate SEPA environmental review, public input, demonstrated consistency with the requirements of this SMP and the express approval of the Board of Island County Commissioners. Visual impacts will be considered in the review process.

C. Forest Management Practices

1. Seeding, mulching, matting, and replanting should be accomplished where necessary to provide stability on areas which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of the logged areas.

2. Logging and thinning operations within 200 feet of the mean high water mark on all shorelines of Island County will be responsible for the disposal or removal of accumulations of slash and other debris in a safe manner with minimum impact to the environment and to neighboring properties.

3. Shoreline areas having scenic qualities such as those providing a diversity of views, unique landscape contrasts or landscape panoramas should be maintained as scenic views in timber harvesting areas.

4. Logging should be avoided in shorelines with slopes of such grade that large sediment runoff will be precipitated unless adequate restoration and erosion control can be expeditiously accomplished.

5. Logging within Island County’s shorelines should be conducted in a manner to insure the maintenance of buffer strips of ground vegetation, brush, alder and conifers to prevent temperature increases adverse to fish populations and erosion of stream banks.

6. Proper road and bridge design, location, construction and maintenance practices should be used to prevent development of roads and structures that would adversely affect shoreline resources.

7. All logging operations shall be designed to protect the adjacent shorelands against erosion, uncontrolled drainage, slides, pollution, excavations and fills and other factors detrimental to the environment.

8. Within shorelines of statewide significance, and with respect to timber situated within 200 feet abutting landward of the ordinary high water mark, local governments shall allow only selective commercial timber cutting so that no more than 30 percent of the merchantable trees may be harvested in any ten year period of time provided; that other timber harvesting methods may be permitted in those
limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental.

D. Commercial Development

1. New commercial development on shorelines generally will be encouraged to locate in those areas where current commercial uses exist.

2. Parking facilities will be placed inland from immediate waters edge and recreational beaches.

3. An assessment should be made of the effect that a commercial structure will have on a scenic view significant to a given area.

4. Although many commercial developments benefit by a shoreline location, only those that are water-oriented will be permitted within shoreline jurisdiction.

E. Marinas

1. Marinas are to be located and designed in a manner that will ensure the safety of fish and shellfish resources.

2. Programs to identify locations near high use or potentially high use areas for the construction of marinas, will be accomplished in the Master Program. Local as well as regional “need” data should be considered as input in location selection.

3. Special attention shall be given to the design and development of operational procedures for the handling and storage of fuel in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

4. Shallow water embayments with poor flushing action should not be considered for overnight and long-term moorage facilities.

5. The Washington State Department of Fisheries guidelines will be used in any and all construction of marinas.

6. State and local health regulations must be observed in the construction of marinas.

F. Mining

1. Excavation and/or removal of sand from beach areas within the primary and secondary dunes will be prohibited.

2. Outside of primary and secondary dune areas excavation for the production of sand, gravel and minerals will be accomplished in conformance with the Washington State Surface Mining Act.
3. When rock, sand, gravel and minerals are removed from shoreline areas, adequate protection against sediment and silt production will be provided by existing operator.

4. Mining of sand, gravel, cobbles and other minerals within marine and lake beaches, in areas located seaward of the ordinary high water mark or within shoreline associated wetlands shall be prohibited. Maintenance of existing uses that require removal of sand, i.e. boat ramps is not considered a mining operation.

5. Mining activities should be encouraged to locate outside the shoreline jurisdiction.

6. Mining activities should allow the natural shoreline systems to continue to function with a minimum of disruption during their operations and should return the site to as near natural a state as possible upon completion.

7. Mining should not be allowed in unique and fragile areas.

G. Outdoor Advertising, Signs and Billboards

1. Off-premise outdoor advertising signs will be limited to areas of high-intensity land use such as commercial and industrial areas.

2. Vistas and viewpoints will not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs. Only those signs which impart historical or directional information of limited size and height will be allowed.

3. When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

H. Residential Development

1. Subdivisions should be designed at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

2. Subdivisions should be designed so as to adequately protect the water and shoreline within the subdivision and adjacent areas.

3. Subdividers should be encouraged to provide public pedestrian access to the shoreline within the subdivision.

4. Residential development over water should be prohibited.

5. Floating homes, houseboats and liveaboard vessels should be located approved marinas, where they must meet all local waste disposal practices, local and state health regulations, and not be allowed to locate over productive fish food areas.
6. Residential developers will be required to indicate how they plan to preserve shore vegetation and control erosion during construction.

7. Sewage disposal facilities as well as water supply facilities must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities will be separate, not combined with sewage disposal systems.

8. Adequate water supplies should be available so that the ground water quality will not be endangered by overpumping.

9. Accessory structures such as decks and stairways should be carefully designed to avoid geologically hazardous areas and permitted only where compatible with the natural environment of the shoreline.

10. All shoreline residential development, including subdivisions, should be designed in a manner to avoid the need for bulkheads or other types of shore defense works.

11. Natural vegetation should be retained to the extent feasible, except for removal necessary for view enhancement, removal of hazardous, diseased or damaged trees and to allow for pedestrian waterfront access. The following factors should be considered when removal of vegetation is proposed:

   a) View corridors and vistas should be incorporated into building and site design.

   b) Encourage building and site designs which frame views and vistas.

   c) Encourage trees to be a part of the view. Panoramic views are not necessarily void of trees.

   d) Encourage thinning and limited pruning of trees to preserve existing views as an alternative to removal.

I. Utilities

1. Whenever these facilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground or designed to do minimal damage to the aesthetic qualities of the shoreline area.

2. Upon completion of installation/maintenance projects on shorelines, the affected areas should be restored to pre-project configuration, replanted with native species and maintenance care provided until the newly planted vegetation is established.

3. Utilities should be designed and located to meet the needs of future populations in areas planned to accommodate this growth.
4. Land transportation and utility corridors serving water-dependent industry shall locate upland to reduce pressures for the use of waterfront sites.

5. Sewage treatment, water reclamation, desalination and power plants should be located where they do not interfere with and are compatible with recreational, residential, or other public uses of the water and shorelands. Waste treatment ponds for water dependent industry should not be located within shoreline jurisdiction unless no upland locations are found to be feasible.

J. Water-Dependent Industry

1. Water-dependent industries which require frontage on navigable water should be given priority over other industrial uses.

2. Waterfront industrial areas should be designed to allow cooperative use of docking, parking, cargo handling and storage facilities.

K. Shoreline Stabilization

1. Bulkheads

   a) Bulkheads and seawalls should be located and constructed in such a manner which will not result in adverse effects in nearby beaches and will minimize alterations of the natural shoreline.

   b) Bulkheads and seawalls should be constructed in such a way as to minimize damage of fish habitats. Open-piling construction is preferable in lieu of the solid type.

   c) Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shorelines.

   d) The construction of bulkheads should be permitted only where they provide protection to upland areas, or existing facilities, and are not for the indirect purpose of creating land by filling behind the bulkhead.

   e) The construction of bulkheads should adhere to provisions set forth in the Washington State Department of Fish and Wildlife guidelines concerning the construction of bulkheads.

   f) Promote non-structural shore defense works, beach enhancement/restoration and other measures as incentives to restore degraded shore environments and as an incentive for not using bulkheads or other “armored” shore defense works. Non-structural alternatives may include:

      • Increased setbacks
      • Drift logs
      • Gravel berms
• Vegetative stabilization
• Beach enhancement (nourishment)
• Slope Stabilization

2. Breakwaters

a) Floating breakwaters are preferred to solid landfill types in order to maintain sand movement and fish habitat.

b) Solid breakwaters shall be constructed only where design modifications can eliminate potentially detrimental affects on the movement of sand and circulation of water.

c) The restriction of the public use of the water surface as a result of breakwater construction must be recognized in the Master Program and must be considered in granting shoreline permits for their construction.

d) Breakwaters should be allowed only as a conditional use in conjunction with an approved water-dependent use in appropriate environments.

3. Jetties and Groins

a) The basic nature of jetties and groins is to alter the natural beach-forming process. They can have a significant effect upon sand movement, fish and wildlife habitat, propagation and movement. For this reason, jetties and groins should be discouraged and allowed only as a conditional use in conjunction with an approved water-dependent use in appropriate environments.

4. Shoreline Protection

a) Riprapping and other bank stabilization measures should be located, designed and constructed so as to avoid the need for steep slope reinforcements and to protect the natural character of the shoreline.

b) (Marine Beaches) - Extensive development from residential, commercial, industrial and resort uses will be prohibited within the intertidal zone which is located between mean low tide and mean high tide. This area experiences uninterrupted covering and uncovering by tidal action. Development within this zone could dramatically alter the natural beach forming processes and cause irreversible damage to resident habitats.

c) (Dunes) - Primary and secondary dunes will be severely restricted from any form of development. Back dunes are more tolerant of development and should be considered potential areas of limited development.
d) Excavation and/or removal of sand from beach areas within the primary and secondary dunes will be prohibited.

e) Shore protection measures shall be designed and constructed so as to minimize interruption to naturally occurring shoreline processes, including marine and wildlife habitats and fish movements.

f) Shoreline protection measures such as bulkheads, dikes, jetties or groins shall not be permitted on spits, hooks, bars, barrier beaches or similar accretion shoreforms; except when it can be demonstrated that construction of the above shore protection measures are necessary for the protection of existing structures.

g) Shore protection measures shall not be permitted on marine feeder bluffs; except when it can be demonstrated by a professional engineer or geologist that construction will not seriously disrupt the upland feeding action or the littoral drift or is necessary for the protection of existing structures.

L. Landfill

1. Sanitary landfills and the disposal of solid waste should be prohibited within the shoreline jurisdiction.

2. Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources or alteration of local currents will not occur, resulting in the creation of a hazard to adjacent property, life, and natural resource systems.

3. Fill materials should be of such quality that they will not cause undue degradation of water quality.

4. Priority should be given to landfills for water-dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality, and destruction of habitat should be considered.

5. Filling in flood plain areas shall not be allowed if reduction of flood water storage capacity might endanger other areas.

6. 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 this master program.
M. Solid Waste Disposal

1. Island County’s Master Program and Use Regulations will be consistent with the approved County Comprehensive Solid Waste Management Plan and the regulations of state and local health agencies.

N. Dredging

1. Dredging of bottom materials for the single purpose of obtaining fill should be prohibited.

2. Control dredging to minimize damage to existing ecological values and natural resources of both the area to be dredged and the area for deposit of dredged materials.

3. Dredging operations shall be subject to provisions of the Hydraulics Project Approval Law, RCW 75.20.100 (requiring all persons, corporations, and governmental entities to obtain approval from the Director of the Department of Fish and Wildlife before doing any work in surface waters of the state).

4. Shoreline vegetation which is disturbed by dredging projects shall be replanted and restored to pre-project configuration.

5. Dredging operations should minimize interference with navigation and adverse impacts to other shoreline uses, properties and values.

O. Road and Railroad Design and Construction

1. Design and construction of railroads and public roads should be consistent with land use planning, preserve aesthetic qualities of shorelands and take into consideration all features which will affect the environment and future growth of the shorelands.

   a. Encourage location of roads and railroads away from shorelands where feasible.

   b. All construction shall be designed to protect the adjacent shorelands against erosion, uncontrolled drainage, slides, pollution, excessive excavations and fills and other factors detrimental to the environment.

   c. Scenic corridors with public roadways should have provision for safe pedestrian and other non-motorized travel. Also, provisions should be made for sufficient viewpoints, rest areas and picnic areas in public shorelines.

   d. Loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure bypass routes.
e. Encourage joint use of transportation corridors within shoreline jurisdiction for roads, utilities and non-motorized forms of transportation.

P. Piers

1. Mooring buoys shall be preferred over docks and piers on all marine shorelines except in the cases of port, commercial, or industrial development in the Urban Environment or residential shoreline communities designed for private docks on man-made waterways.

2. Multiple use and expansion of existing facilities are preferred over construction of new individual docks and piers except for those residential communities designed for private docks (i.e. Mariner’s Cove, Lagoon Point, Sandy Hook).

3. The use of floating docks should be required in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created.

4. Priority should be given to the use of community piers and docks in all new major waterfront residential developments. In general, encouragement should be given to the cooperative use of piers and docks.

5. In providing for facilities in the Master Program, local governments should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats, including gas and oil spillage.

Q. Pipelines and Petroleum Operations

1. The design, construction, operation and maintenance of pipelines carrying hazardous materials and petroleum products in liquid form must conform to all regulations established by the United States Department of Transportation.

2. In order to prevent spills and other forms of pollution, owners and operators of facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, and/or consuming oil shall conform to established procedures, methods, and equipment set forth by statutory and other requirements of the United States Environmental Protection Agency and the State Department of Ecology.

3. No pipelines carrying hazardous materials or petroleum shall be constructed on the shorelines of Island County without careful review and approval by the County Planning Commission and the Board of County Commissioners.

4. No drilling, processing or refining of petroleum shall be done within 2,000 feet of the shorelines of Island County.
R. Archaeological Areas and Historic Sites (see Chapter I)

S. Recreation (see Chapter I)
Chapter IV: Shorelines of Statewide Significance

MANAGEMENT PRINCIPLES AND DEVELOPMENT GUIDELINES

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, Island County’s Master Program must give preference to uses that favor public and long-range goals. Shorelines of statewide significance in Island County include those areas of Puget Sound lying seaward from the line of extreme low tide as well as the tidal shoreline adjacent to Skagit Bay from Brown Point to Yokeko Point (see Appendix).

Accordingly, the Act has established that Island County’s Master Program shall give preference to uses that meet the principles outlined below, in order of preference. Guidelines for ensuring that these principles are incorporated into the Master Program and adhered to in implementing the Act follow each principle:

1. Recognize and Protect the Statewide Interest Over Local Interest.
   Development Guidelines:
   a. Solicit comments and opinions from groups and individuals representing statewide interests by circulating the Master Program, Master Program amendments and requests for substantial development permits on shorelines of statewide significance to state agencies, adjacent jurisdictions, and local officials.
   b. Recognize and take into account state agencies’ policies, programs and recommendations in developing and administering use regulations.
   c. Solicit comments, opinions and advice from individuals with expertise in ecology, oceanography, geology, aquaculture and other scientific fields pertinent to shoreline management.

2. Preserve the Natural Character of the Shoreline.
   Development Guidelines:
   a. Designate and administer shoreline planning environments and use regulations to minimize manmade intrusions on shorelines.
   b. Upgrade and redevelop those areas where intensive development already exists in order to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.
3. **Result in Long-Term Over Short-Term Benefit.**

   *Development Guidelines:*
   
a. Leave undeveloped those areas which contain a unique or fragile resource.

b. Prevent erosion and sedimentation that would alter the natural function of the water system. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.

c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

4. **Increase Public Access to Publicly Owned Areas of the Shorelines.**

   *Development Guidelines:*
   
a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines and to developing upland parking.

b. Locate development inland from the ordinary high water mark so that access is enhanced.

5. **Increase Recreational Opportunities for the Public on the Shorelines.**

   *Development Guidelines:*
   
a. Plan for and encourage development of facilities for recreational use of the shorelines.

b. Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for non-motorized access to the shorelines.
NEW CHAPTER

Chapter 16.21
Shoreline Management
To replace 16.20A

Sections:
16.21.010 Purpose
16.21.020 Shoreline Master Program
16.21.030 Shoreline Permits, When Granted
16.21.040 Shoreline Permit Applications
16.21.050 Review Process and Approving Authority
16.21.060 Shoreline Maps
16.21.070 Notice of Approval or Denial
16.21.080 When Substantial Development May Commence
16.21.090 Appeals to Shorelines Hearings Board
16.21.100 Penalties and Enforcement
16.21.110 Fees
16.21.120 Severability
16.21.130 Effective Date
16.21.010 Purpose
The purpose of this chapter is to set forth the special procedures for regulating uses and activities governed by the Shoreline Management Act (SMA) Chapter 90.58 RCW. Except as provided for in this chapter, permits granted under the SMA and the County’s Shoreline Master Program shall be processed pursuant to Chapter 16.19 ICC.

16.21.020 Shoreline Master Program
Island County’s Shoreline Master Program (SMP) adopted pursuant to Chapter 90.58 RCW shall consist of the following:
A. The goals and policies contained in the shoreline management element of the County’s GMA Comprehensive plan; and
B. The shoreline regulations contained in Chapter 17.05 ICC.

16.21.030 Shoreline Permits, When Granted
A. A shoreline permit shall be granted only the proposed development is consistent with:
   1. The policies and provisions of the SMA;
   2. Washington Administrative Code (WAC) guidelines and regulations of the Department of Ecology implementing the SMA; and
   3. The policies and provisions of the adopted Island County Shoreline Management Master Program (SMP).
B. Exemption from shoreline permit requirements does not constitute exemption from the policies of the SMA and the SMP, and other applicable local, state, or federal permit or other requirements. No development shall be undertaken on shorelines of the state within Island County except those which are consistent with the policy of the SMA, the SMP, and other applicable local state, or federal permit or other requirements.

16.21.040 Shoreline Permit Applications
Any person desiring to undertake substantial development on shorelines of the state located within Island County shall apply to the Island County Planning Department for a shoreline permit, in a format established by the County. The application shall contain, as a minimum, such information as is required by state and local rules and regulations adopted pursuant to the SMA.

16.21.050 Review Process and Approving Authority
A. Planning Director Determinations. Determinations of the Planning Director regarding applicability of the SMP, exemptions and application requirements shall be processed as Type I decisions pursuant to Chapter 16.19 ICC.
B. Substantial Development Permits, Conditional Uses and Variances. Unless the underlying approval is classified Type III decision, all Substantial Development Permit, Conditional
Use and Variance decisions shall be processed as a Type II decision pursuant to Chapter 16.19 ICC.

C. Shoreline Master Program Amendment. All amendments to the County’s Shoreline Master Program shall be processed as a Type IV decision pursuant to Chapter 16.19 ICC.

16.21.060 Shoreline Maps
Shorelines of the state located within Island County shall be designated on official shoreline maps to be kept in the office of the Island County Planning Department.

16.21.070 Notice of Approval or Denial
The Planning Department shall notify the following persons in writing of the final approval or denial of a shoreline permit as required by law:
A. The applicant;
B. The Washington State Department of Ecology;
C. All “parties of record” for each decision as defined in Chapter 16.19, ICC and any person who has written the planning department requesting such notice; and
D. Any affected Indian Tribe.

16.21.080 When Substantial Development May Commence
Construction pursuant to a shoreline permit shall not begin or be authorized until thirty (30) days from the date the final order granting the permit was filed with the Washington State Department of Ecology pursuant to RCW 90.58.140(6), or until all review proceedings are terminated if such proceedings were initiated within thirty (30) days from the date of such filing, except as provided in RCW 90.58.140(5), (b) and (c). Issuance of a shoreline permit shall in no way be construed as excusing the applicant from compliance with any other local, state, or federal statutes, ordinances, or regulations applicable to the proposed substantial development.

16.21.090 Appeals to Shorelines Hearings Board
A. After completing any administrative appeal regarding a shoreline substantial development permit pursuant to Chapter 16.19 ICC, further review may be sought by appeal to the Washington State Shorelines Hearings Board pursuant to Chapter 90.58 RCW.
B. No Shoreline Conditional Use Permit or Variance approval by the County is final until reviewed and approved by the Department of Ecology according to WAC 173-16-070 or as hereafter amended. Further review may then be sought by appeal to the Washington State Shorelines Hearings Board pursuant to Chapter 90.58 RCW.

16.21.100 Penalties and Enforcement
Any person who shall fail to conform to the terms of a permit issued under this Chapter or who shall undertake development on the shorelines of the state without first obtaining any permit
required under this Chapter shall be subject to the penalties and enforcement provisions of Section 17.03.260 ICC except the civil penalty for violation shall be as set forth in RCW 90.58.210. In addition, Island County and/or the Department of Ecology shall have the authority to take enforcement action pursuant to RCW 90.58.210-220, and .230, and Chapter 173-27 WAC.

16.21.110 Fees
A fee as set by the Board shall be paid to the Planning Department at the time a shoreline permit application is accepted to cover the cost of administration.

16.21.120 Severability
If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances shall not be affected.

16.21.130 Effective Date
This chapter shall take effect on October 1, 1998, or the effective date of Chapters 17.03, 17.02 and 17.05 ICC whichever is later and shall apply to new applications submitted on, or after that date and to incomplete applications filed prior to that date.
Island County
Shoreline Management
Master Program
Use Regulations

CHAPTER 17.05
SHORELINE USE REGULATIONS

To replace existing Chapter 16.21 (Uncodified Use Regulations)

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.05.010</td>
<td>TITLE</td>
</tr>
<tr>
<td>17.05.020</td>
<td>SHORT TITLE</td>
</tr>
<tr>
<td>17.05.030</td>
<td>PURPOSE</td>
</tr>
<tr>
<td>17.05.040</td>
<td>DEFINITIONS</td>
</tr>
<tr>
<td>17.05.050</td>
<td>APPLICABILITY</td>
</tr>
<tr>
<td>17.05.060</td>
<td>EXEMPTIONS FROM SUBSTANTIAL DEVELOPMENT PERMIT</td>
</tr>
<tr>
<td>17.05.070</td>
<td>SHORELINE USE CLASSIFICATION</td>
</tr>
<tr>
<td>17.05.080</td>
<td>SHORELINES OF STATEWIDE SIGNIFICANCE</td>
</tr>
<tr>
<td>17.05.090</td>
<td>SHORELINE USE REQUIREMENTS</td>
</tr>
<tr>
<td>17.05.100</td>
<td>AGRICULTURE</td>
</tr>
<tr>
<td>17.05.110</td>
<td>AQUACULTURE</td>
</tr>
<tr>
<td>17.05.120</td>
<td>ARCHEOLOGICAL AREAS AND HISTORIC SITES</td>
</tr>
<tr>
<td>17.05.130</td>
<td>COMMERCIAL DEVELOPMENT</td>
</tr>
<tr>
<td>17.05.140</td>
<td>DOCKS AND PIERS</td>
</tr>
<tr>
<td>17.05.150</td>
<td>DREDGING AND LANDFILL</td>
</tr>
<tr>
<td>17.05.160</td>
<td>FOREST MANAGEMENT PRACTICES</td>
</tr>
<tr>
<td>17.05.170</td>
<td>MARINAS</td>
</tr>
<tr>
<td>17.05.180</td>
<td>MINING</td>
</tr>
<tr>
<td>17.05.190</td>
<td>RECREATION</td>
</tr>
<tr>
<td>17.05.200</td>
<td>RESIDENTIAL DEVELOPMENT</td>
</tr>
<tr>
<td>17.05.210</td>
<td>OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS</td>
</tr>
<tr>
<td>17.05.220</td>
<td>PORTS AND WATER-DEPENDENT INDUSTRY</td>
</tr>
<tr>
<td>17.05.230</td>
<td>ROAD DESIGN AND CONSTRUCTION</td>
</tr>
<tr>
<td>17.05.240</td>
<td>SHORELINE STABILIZATION</td>
</tr>
<tr>
<td>17.05.250</td>
<td>SOLID WASTE DISPOSAL</td>
</tr>
<tr>
<td>17.05.260</td>
<td>UTILITIES</td>
</tr>
</tbody>
</table>
17.05.010 TITLE. Island County Shoreline Management Master Program Use Regulations.

17.05.020 SHORT TITLE. This Ordinance may be referred to as the Island County “Shoreline Master Program,” “Master Program,” or “SMP.”

17.05.030 PURPOSE. The purposes of this Ordinance are:

A. To carry out the responsibilities imposed on Island County by Chapter 90.58 RCW, the Shoreline Management Act of 1971 as now or hereafter amended; and

B. To provide for wise and proper management of shorelines, wetlands and water bodies in a manner that will allow present and future generations of users the opportunity to enjoy marine oriented resources, consistent with the goals, policies and stated purposes of Island County’s Master Program; and further

C. It is the expressed and implied intent of this Ordinance to fully protect and enhance to the maximum extent possible the natural shoreline systems and critical areas while at the same time protecting the rights of the private property owners for the timely and reasonable use and enjoyment of their properties not inconsistent with the protection of the natural systems.

17.05.040 DEFINITIONS. Words used in this Ordinance, unless the context clearly otherwise implies, shall assume the definitions contained in Chapter 90.58 RCW as now or hereafter amended, and such guidelines as have been, or may be adopted pursuant to Chapter 90.58 RCW. In general, the word “shall” is mandatory; the word “may” is permissive. When not consistent with the context, words used in the present tense shall include the future, the singular shall include the plural, and the plural the singular.

A. Accessory Structure: A structure or building customarily considered to be incidental to or secondary to a permitted use or an approved conditional use on the property or on adjacent properties. Examples of accessory structures include, but are not limited to, sheds, shops, garages, greenhouses, barns, guest cottage, etc. Accessory structures are not to be confused with appurtenant structures that are listed as exemptions in this SMP and the SMA.

B. Accretion Shoreform: Shoreline with a backshore which has been produced by the long-term deposition of sand and/or gravel by littoral drift from a feeder bluff or other source. Such shoreforms include barrier beaches, points, spits, hooks, and tombolos.

C. Act: Shoreline Management Act of 1971, Chapter 90.58 RCW.

D. Affected Tribe: Any Tribe recognized by the federal government and subject to established treaty rights whose ancestral villages, campsites, grave sites, fishing sites, or other territory within the County may be impacted by a proposed development project in or near an archaeological site.
E. **Aquaculture**: The culture or farming of finfish, shellfish, or other aquatic plants and animals, and for the purpose of this Master Program it includes commercial clam and geoduck harvesting.

F. **Archaeology**: The systematic, scientific study of man’s past through his material remains.

G. **Avoidance**: Keeping away from.

H. **Beach Enhancement/Restoration**: Process of restoring a beach to a state more closely resembling a natural beach using beach feeding, vegetation, drift sills, and other non-intrusive means, as applicable.

I. **Beach Feeding**: Process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

J. **Berm**: A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide.

K. **Board**: Board of Island County Commissioners.

L. **Boat Launch or Ramp**: Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

M. **Breakwater**: Protective structures which are normally built offshore to protect beaches, bluffs, dunes, or harbor areas from wave action.

N. **Bulkhead**: Structures erected parallel to and near the high water mark for the purpose of stabilizing a slope and protecting the adjacent uplands from the action of waves or currents. Bulkheads normally are constructed of steel, timber, or concrete piling and may be of either solid or open piling construction.

O. **Clearing**: Clearing means the cutting and removal of vegetation by mechanical or chemical methods.

P. **Conditional Uses**: A use, development, or substantial development which is classified as a conditional use in the Shoreline Management Master Program (see Shoreline Management Element of the Plan and Chapters 17.05 and 16.21 ICC), or which is not classified within the SMP. Those activities identified as conditional uses or not classified in this Master Program must be treated according to the review criteria established in WAC 173-27-160.

Q. **Dock**: A structure which abuts the shoreline and is generally used as a landing or moorage place for commercial and pleasure craft.

R. **Dredging**: The removal of earth from the bottom of a stream, river, lake, bay, or other water body for the purpose of deepening a navigational channel or to obtain use of the bottom materials for landfill.
S. **Driftway:** That portion of the shore process corridor, primarily the lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

T. **Dune:** A hill or ridge of sand deposited by wind or wave action.

U. **Extreme Low Tide:** The lowest line on the tidelands reached by a receding tide.

V. **Feeder bluff:** Any shoreline land mass which is subject to periodic erosion from waves, or sliding and slumping, and from which the eroded sand/gravel is naturally transported via a driftway to an accretion shoreform. These natural sources of beach material are both limited and vital to the long term stability of accretion shoreforms.

W. **Floodplain:** An area subject to periodic inundation due to surface water runoff or exceptionally high tides, or a combination of the two.

X. **Forest Practice:** Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010.

Y. **Gabions:** Structures composed of masses of rocks, rubble or masonry held tightly together, usually by wire mesh, so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Z. **Geologically Hazardous Areas:** Those areas that because of their susceptibility to erosion, sliding, or other geologic events, are generally not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns, including but not limited to those lands designated in the Department of Ecology Coastal Zone Atlas dated April 1979, as it may be amended or revised, as land which has had recent or historical slide activity and/or has unstable slope conditions, including those lands within one-hundred (100) feet (either top or base) thereof.

AA. **Grading:** Grading is an activity associated with property modification or maintenance. Grading means the physical manipulation of the earth’s surface and/or surface drainage pattern without significantly adding or removing on-site materials.

BB. **Groin:** Structures designed to modify or control sand movement.

CC. **Jetty:** Jetties are structures designed to modify or control sand movement and are generally employed at inlets for the purpose of improving navigation.

DD. **Landfill:** 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.
EE. **Landward:** To or toward the land.

FF. **Littoral Drift:** The natural movement of sediment, particularly sand and gravel, along marine or lake shorelines as a result of wave and wind action.

GG. **Master Program:** The Island County Shoreline Master Program, which is comprised of the Shoreline Management Element of the Comprehensive Plan and Chapters 17.05 and 16.21 ICC.

HH. **Ordinary High Water Mark (OHWM):** The mark on all lakes, streams, and tidal water, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of the Act, or as it may naturally change thereafter; provided that in any area where the ordinary high-water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

II. **Pier:** A structure which abuts the shoreline and is generally used as a landing or moorage place for commercial and pleasure craft. A pier is a fixed platform above the water.

JJ. **Port:** Any harbor area under the jurisdiction of a legally constituted port district, as prescribed under Washington State law, or any harbor area which is largely devoted to shipping and cargo handling.

KK. **Permitted Uses:** Uses which are allowed within the applicable shoreline environment, provided that they must meet the policies, use requirements, and regulations of this chapter 17.05 and any other applicable regulations of the county or state.

LL. **Recreation:** Recreation is the re-creation and refreshment of body and mind through forms of play, sports relaxation, amusement, or contemplation.

   1. Passive shoreline recreation is the light to moderate intensities of recreation such as hiking, day camping, viewing, nature study, boating, swimming and fishing.

   2. Active shoreline recreation or recreation development is the more intensive, land consumptive use of the shoreline areas by the activity and associated facilities.

MM. **Restoration:** To revitalize or establish the characteristics and natural processes of a degraded shoreline resource.

NN. **Retaining Wall:** Structure placed behind the OHWM which acts as a stabilizing mechanism for unstable geologic conditions.

OO. **Revetment:** Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.
PP. **Riprap:** A layer, facing, or protecting mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment.

QQ. **Seaward:** To or toward the sea.

RR. **Setback:** The distance a structure is placed behind a specified line or topographic feature.

SS. **Shorelines:** All of the water areas in the state, including reservoirs, and their associated wetlands together with the lands underlying them, except:

1. shorelines of statewide significance;
2. shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments; and
3. shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

TT. **Shoreline Administrator:** The Island County Planning Director or his/her designee.

UU. **Shoreline Development:** A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter 90-58 RCW at any stage of water level (RCW 90.58.030; WAC 173-27-030).

VV. **Shoreline Environment Designations:** The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. [WAC 173-16-0060(4)]

WW. **Shoreline Jurisdiction:** The proper term describing all of the geographic areas covered by the SMA, related rules, and the applicable master program. Those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA. See RCW 90.58.030(2f), WAC 173-16-030(17); WAC 173-22-030(10). Also such areas within a specified local government’s authority. See definition of “shorelines” and “shorelines of statewide significance.”

XX. **Shoreline Master Program (SMP):** The Island County Shoreline Master Program, being the Shoreline Management Element of the Comprehensive Plan and Chapters 16.21 and 17.05 ICC. Master programs must be developed in accordance with the policies of the SMA in RCW 90.58.020, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.
YY. **Shorelines of Statewide Significance:** Means the following shorelines:

1. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwater north to the Canadian line and lying seaward from the line of extreme low tide; and

2. Those additional areas specified in the Act (RCW 90.58.030.2e), which in Island County, includes the Skagit Bay shoreline from Brown Point to Yokeko Point.

ZZ. **Shoreline Substantial Development Permit Exemption:** Certain developments that meet the precise terms of listed exemptions are granted exemption from the requirements of the substantial development permit process of the Shoreline Management Act (SMA). An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the Shoreline Management Master Program. Shoreline conditional uses or variance permits may also still be required even though the activity does not need a substantial development permit. (Cf. RCW 90.58.030(3)(e); WAC 173-27-030(7) and -040.)

AAA. **Spit:** An accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berm on the windward side and a more gently sloping, muddy or marshy shore on the leeward side. A curved spit is normally called a hook.

BBB. **Structure:** In accordance with the Uniform Building Code (UBC), that which is built or constructed, an edifice or a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

CCC. **Subdivision:** The division or redivision of land, including short subdivisions.

DDD. **Substantial Development:** Any development of which the total cost, or fair market value, exceeds Two Thousand Five Hundred Dollars ($2,500.00) or any development which materially interferes with normal public use of the water or shorelines of the state (RCW 90.58.030(3)(e)) now or as hereafter amended; except that developments meeting the precise terms of the exemptions specified in WAC 173-27-040 and Section 17.05.030 of this Code shall not be considered substantial developments.

EEE. **Tidelands:** Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

FFF. **Tombolo:** A causeway-like accretion spit which connects an offshore rock or island with the main shore. Tombolos normally develop from bars (submarine berms) and an active driftway. At maturity a tombolo constitutes an accretion terminal for each part of the drift sector it has divided.

GGG. **Transportation Facility:** Transportation facilities include roads, trails, airports, barge landings, County docks, floatplane facilities, ferries and related terminals, and parking areas.
HHH. **Tribe**: Any Indian tribe, band, nation or other organized group or community formally recognized by the federal government.

III. **Water-Dependent Uses**: A use or a portion of a use which can not exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

JJJ. **Water-Enjoyment Uses**: A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through the location, design and operation assures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to shorelines of the state; and general water-enjoyment uses may include but are not limited to, restaurants, museums, aquariums, scientific/ecological reserves, resorts and mixed-use commercial; PROVIDED, that such uses conform to the above water-enjoyment specifications and the provisions of the master program.

KKK. **Water-Oriented Uses**: Refers to any combination of water-dependent, water-related, and/or water-enjoyment uses and serves as an all encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include facilities primarily devoted to professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department store and gas stations that serve land based modes of transportation.

LLL. **Water-Related Uses**: A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,

2. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its service less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.
Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

17.05.050 APPLICABILITY

A. Applicability in General: This Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state government agency, public or municipal corporation, or other nonfederal entity which develops, owns, leases, or administers lands, wetlands or waters subject to this Master Program.

B. Applicability to Federal Agencies:

1. The policies and provisions of Chapter 90.58 RCW and this master program shall be applied to federal lands and agencies in a manner consistent with WAC 173-27-0060 (1) and (3).

2. The requirements of this Ordinance shall apply to nonfederal activities undertaken on lands subject to nonfederal lease or easement, even though such lands may be under Federal ownership.

3. The Shoreline Permit system shall apply to substantial developments undertaken on lands not federally owned but under lease, easement, license, or other similar Federal property rights short of fee ownership, to the Federal government.

C. Relationship to Comprehensive Plan: This SMP provides regulations to implement the goals and policies of the Comprehensive Plan Shoreline Element. These regulations apply to all of the land and waters of Island County which fall under the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW).

D. Applicability to Development: This Master Program applies to all “shoreline development” as defined by this chapter.

E. Applicability to Substantial Development:

1. This Master Program applies to all “substantial development” as defined by this chapter.

2. No substantial development may be undertaken unless a valid Shoreline Substantial Development Permit is first issued by the County and unless all work proceeds in compliance with the requirements of the Shoreline Management Act,
this Master Program, and other applicable federal, state and local laws and regulations.

17.05.060 EXEMPTIONS FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS

A. Exemptions shall be construed in accordance with WAC 173-27-040(1)(a). A use classified as a conditional use or a use not named or contemplated is allowed only as a conditional use and is ineligible for shoreline permit exemption.

B. The following, as defined in WAC 173-27-040, are not considered to be substantial developments:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed the maximum exempt amount allowed by state law, WAC 173-27-040(2)(a), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.

2. Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or the elements, subject to WAC 173-27-040(2)(b).

3. Construction of the normal protective bulkhead common to single-family residences subject to WAC 173-27-040(2)(c) provided that the provisions of 17.05.240(B)(4)(j) are met.

4. Emergency construction necessary to protect property from damage by the elements, in accordance with WAC 173-27-040(2)(d).

5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels. However, a feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling other than that which result from normal cultivation, shall not be considered normal or necessary farming or ranching activities. For the purposes of this section, a “feedlot” shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations; or barns or similar agricultural structures on wetlands. WAC 173-27-040(2)(e).

6. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids, such as channel markers and anchor buoys. WAC 173-27-040(2)(f).
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family, which residence does not exceed a height of 35 feet above average grade level, except as provided in this SMP, and which meets all requirements of the Act and this SMP, as specified in WAC 173-27-040(2)(g).

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private, non-commercial use of the owners, lessee, or contract purchaser of single- and multiple-family residences, as specified in WAC 173-27-040(2)(h). This exception applies if either:

a) In salt waters, the fair market value of the dock does not exceed Two Thousand Five Hundred Dollars ($2,500.00).

b) In fresh waters, the fair market value of the dock does not exceed Ten Thousand Dollars ($10,000.00), but if subsequent construction having a fair market value exceeding Two Thousand Five Hundred Dollars ($2,500.00) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Chapter.

9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of the system waters, including return flow and artificially stored groundwater from the irrigation of lands. WAC 173-27-040(2)(i).

10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water. WAC 173-27-040(2)(j).

11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as part of an agricultural drainage or diking system. WAC 173-27-040(2)(k).

12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authority under this Chapter if:

a). The activity does not interfere with the normal public use of the surface waters;

b) The activity will have no significant adverse impact on the environment, including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
c) The activity does not involve the installation of any structure, and upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity;

d) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the County to ensure that the site is restored to pre-existing condition; and

e) The activity is not subject to the permit requirements of RCW 90.58.550. WAC 173-27-040(2)(m).

13. The process of removing or controlling an aquatic noxious weed, as defined in state law, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the U.S. Department of Agriculture or the department jointly with other state agencies under RCW 43.21C WAC 173-27-040(2)(n).

14. Watershed restoration projects as defined in RCW 90.58, in accordance with WAC 173-27-040(2)(o).

15. A public or private project that is designed to improve fish or wildlife habitat or fish passage, as provided in WAC 173-27-040(2)(p), when all of the following apply:

a) The project has been approved by the Washington Department of Fish and Wildlife (WDFW);

b) The project has received hydraulic project approval by the WDFW pursuant to 75.20 RCW; and

c) The County has determined that the project is substantially consistent with this master program.


C. Exemptions from Substantial Development Permit Requirements – Residential Appurtenances: Normal appurtenances to a single-family residence are included in the permit exemption provided in 17.05.060(B)(7). “Normal appurtenances” include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield; and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Normal appurtenances to a single-family residence also include:

1. Beach access structures (i.e., stairways and tramways) and gazebos and sheds may be exempt from the requirements of a shorelines substantial development permit only in compliance with Section 17.05.200 of this Chapter.
2. Landfill, in a total amount not to exceed 250 cubic yards, to be allowed during the original construction of a single-family residence for the following purposes only:
   a. Normal landscaping, to include beauty bark, topsoil, rock or similar landscaping materials;
   b. Structural fill, only as necessary to comply with building code requirements related to the structural integrity of a foundation and not to include fill required for parcel flood-proofing, wetland fill or other fill activities; and
   c. Driveway construction; and
   d. Landfill placed entirely within a foundation wall or associated with a drainfield shall not count toward the 250 cubic yards.

3. Antennas and satellite dishes that are less than one meter in diameter.


17.05.070 SHORELINE USE CLASSIFICATION. The Shoreline Use Classification Table identifies the permitted (P), prohibited (X), and conditional (C) uses within the designated shoreline environments. Permitted uses apply only to shoreline uses as regulated by this SMP and must comply with all applicable SMP goals, policies and use regulations and may require a Substantial Development Permit. Residential, commercial and industrial shoreline uses, densities and intensities of use are also subject to those specific uses and standards defined in Chapter 17.03 ICC.

Unclassified Uses: Unclassified uses are those uses which are not specified in the definitions or shoreline use classification table in ICC 17.05.035. Consistent with WAC 173-27-160(3), such uses shall be reviewed as conditional uses pursuant to the criteria in WAC 173-27-160(1).

SEE SHORELINE USE CLASSIFICATION TABLE ON FOLLOWING PAGE
### SHORELINE USE CLASSIFICATION TABLE

<table>
<thead>
<tr>
<th>SHORELINE USES</th>
<th>AQUATIC</th>
<th>NATURAL</th>
<th>CONSERVANCY</th>
<th>RURAL</th>
<th>SHORELINE RESIDENTIAL</th>
<th>URBAN</th>
<th>[Also, See Zoning 17.03 ICC and Critical Areas Ordinance, 17.02, ICC]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
</tr>
<tr>
<td>Residential Uses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family (and normal appurtenances)</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See 17.05.200</td>
</tr>
<tr>
<td>Accessory Dwelling Units (e.g., guest houses)</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See 17.05.200</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>N/A</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>See 17.05.200</td>
</tr>
<tr>
<td>Land subdivision</td>
<td>N/A</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See 17.05.200 &amp; 16.06</td>
</tr>
<tr>
<td>Boating &amp; Related Facilities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat Launches</td>
<td>C</td>
<td>C(5)</td>
<td>C(5)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private Docks</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Docks</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Floatplane bases</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Marinas</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Private Piers</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Piers</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Resource Management and Extraction:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>N/A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>On-land aquaculture accessory activities, structures, processing, etc.</td>
<td>N/A</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>See 17.05.110</td>
</tr>
<tr>
<td>Aquaculture, within districts</td>
<td>C</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

Island County Shoreline Master Program
Page 3—60
<table>
<thead>
<tr>
<th>SHORELINE USES</th>
<th>SHORELINE ENVIRONMENTS</th>
<th>AQUATIC</th>
<th>NATURAL</th>
<th>CONSERVANCY</th>
<th>RURAL</th>
<th>SHORELINE RESIDENTIAL</th>
<th>URBAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
</tr>
<tr>
<td>Aquaculture, outside of districts including mechanical or hydraulic harvest of shellfish</td>
<td>C</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Forest Practices</td>
<td>N/A</td>
<td>C(4)</td>
<td>P(4)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mining</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Transportation Facilities:</td>
<td>Non-Vista Parking Lots</td>
<td>N/A</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Railroads</td>
<td>N/A</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Ferry Terminals</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Vehicular routes &amp; facilities</td>
<td>N/A</td>
<td>C(6)</td>
<td>C(6)</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Recreational Uses:</td>
<td>Campgrounds, Scenic overlooks &amp; RV Parks (i.e., private)</td>
<td>N/A</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Natural Preserves/Parks</td>
<td>N/A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Nonvehicular trails &amp; paths</td>
<td>N/A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Passive recreation</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Public parks</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Scientific, educational, historic, or archaeological uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Shoreline Modification Activity:**
## 17.05.070 SHORELINE USE CLASSIFICATION TABLE

<table>
<thead>
<tr>
<th>SHORELINE USES</th>
<th>AQUATIC</th>
<th>NATURAL</th>
<th>CONSERVANCY</th>
<th>RURAL</th>
<th>SHORELINE RESIDENTIAL</th>
<th>URBAN</th>
<th>[Also, See Zoning 17.03 ICC and Critical Areas Ordinance, 17.02, ICC]</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
<td>Proposed</td>
</tr>
<tr>
<td>Breakwaters</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Bulkheads</td>
<td>C</td>
<td>X</td>
<td>See 17.05.120</td>
<td>See 17.05.120</td>
<td>See 17.05.120</td>
<td>See 17.05.120</td>
<td>See 17.05.120</td>
</tr>
<tr>
<td>Dikes</td>
<td>C</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dredging</td>
<td>C</td>
<td>C(2)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Groins</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Jetties</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Signs:</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Off-premises identification &amp; directional</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>On-premises identification &amp; directional</td>
<td>C</td>
<td>C(1)</td>
<td>P(1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Landfill (i.e., cut &amp; fill)</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Port facilities</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Utilities</td>
<td>C</td>
<td>C(3)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Water dependent industry</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All other industry</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Water-Dependent commercial</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Water related &amp; water enjoyment commercial</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transient Accommodations:</td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hotels, Motels</td>
<td>N/A</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Bed and Breakfast Inns, Country Inns</td>
<td>N/A</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
### 17.05.070 SHORELINE USE CLASSIFICATION TABLE

**NOTES**

- **P=Shoreline Permitted Use**
- **X=Shoreline Prohibited Use**
- **C=Shoreline Conditional Use**

<table>
<thead>
<tr>
<th></th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Navigation aids and public information only</td>
</tr>
<tr>
<td>2</td>
<td>For restoration or enhancement of natural resources only</td>
</tr>
<tr>
<td>3</td>
<td>Permitted conditionally only if no feasible alternative exists</td>
</tr>
<tr>
<td>4</td>
<td>Permitted if carried out on a sustained yield basis</td>
</tr>
<tr>
<td>5</td>
<td>Public boat launches only</td>
</tr>
<tr>
<td>6</td>
<td>Conditionally permitted for public transportation projects only</td>
</tr>
</tbody>
</table>
17.05.080 SHORELINES OF STATEWIDE SIGNIFICANCE. In addition to compliance with the Use Requirements which hereafter follow, developments proposed within Shorelines of Statewide Significance shall, insofar as is possible:

A. Recognize and protect the Statewide interest over local interest;
B. Preserve the natural character of the shoreline;
C. Result in long term over short term benefit;
D. Protect the resources and ecology of the shorelines;
E. Increase public access to publicly owned areas of the shorelines;
F. Increase recreational opportunities for the public in the shoreline;
G. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In addition to compliance with the appropriate Use Requirements which hereafter follow, forest practices situated within two hundred (200) feet landward of the ordinary high water mark within Shorelines of Statewide Significance shall employ selective timber cutting so that no more than thirty (30) percent of the merchantable trees may be harvested in any ten-year period of time. Provided that other timber harvesting may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective timber cutting ecologically detrimental.

17.05.090 SHORELINE USE REQUIREMENTS

A. General Purpose: There are hereby created Use Requirements to which all shoreline developments and uses shall comply when located within the geographical jurisdiction of this Master Program.

The purpose of these Use Requirements is to implement:

1. The goals and policies of the Shoreline Management Act and this Master Program;
2. The definitions and policies of the Shoreline Designations;
3. The economic, physical, and social framework within which shoreline development will occur; and

B. General Use Requirements

---

*Island County Shoreline Master Program*

*Page 3—64*
1. All over water development shall be marked in accordance with U.S. Coast Guard requirements.

2. Over water structures and equipment, except navigation aids, shall be designed, operated and maintained to blend into their surroundings through the use of appropriate colors and materials.

3. For over water facilities, the County shall reserve the right to require a visual impact analysis using the best available methodology.

4. Proposals that cause substrate displacement or that involve substrate modification through dredging, trenching, or digging shall not be allowed in existing kelp beds or in areas with more than two (2) turions of eel grass per ¼ square meter in winter or three (3) turions ¼ square meter in summer, except as provided for in Aquaculture Districts 2a, 2b and 2c where the following standard shall apply: 10 turions per ¼ square meter (winter), 13 turions per ¼ square meter (summer).

5. No shoreline permit or rights under such permit shall be transferred by sale or lease or other conveyance of any interest without prior County notification in order to determine if any new owner/operator can meet the terms and conditions of the permit.

6. Shoreline development shall not be allowed to cause significant erosion, accretion, and/or avulsion along adjacent shorelines.

7. All shoreline and overwater projects shall be required to comply with the state noise ordinance, air pollution control regulations, water quality standards, state and federal laws and regulations protecting archaeological sites and resources, and all other pertinent codes and ordinances.

8. Permit applications shall identify all pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemicals that the applicant anticipates using. No such materials shall be used until approval is obtained from all appropriate county, state, and federal agencies.

9. Where developments will require improvements to public facilities, such as boat launches, roads, or public utilities, the applicant shall be required to contribute proportionally to the cost of the improvement commensurate with the applicant’s use.

10. Where developments are authorized pursuant to adopted park regulations to use County facilities, such as boat launches or docks, the County shall reserve the right to require the applicant to pay a portion of the cost of maintenance, services, or repair commensurate with the applicant’s use.
11. All shoreline and overwater activities shall be restricted to reasonable hours and/or days of operation when necessary to protect residents and properties from adverse impacts such as noise, light, and glare.

12. Permittees shall be required to carry liability insurance in an amount commensurate with the risk involved of injury or damage to any person or property as a result of the project.

13. The County shall require permittees to secure a performance bond or other suitable guarantee to insure immediate removal of all floating over water structures, with the exception of floating docks, should the project cease operation. Such bond shall also be in an amount sufficient to repair any damage which resulted from the activity.

14. Development activities shall be conducted in such a manner that unreasonable levels of noise and glare will not intrude into adjacent areas.

15. All use requirements, regulations and standards prescribed in the SMP shall apply to all structures and uses that exist as of the effective date of the SMP and/or are proposed in the future.

17.05.100 AGRICULTURE

A. Definition: The cultivation of soil, production of crops or the raising of livestock.

B. Use Requirements

1. Erosion control measures shall conform to guidelines and standards established by the Soil Conservation Service and the U.S. Department of Agriculture.

2. Pesticides shall be used, handled and disposed of in accordance with provisions of the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Act (RCW 15.57).

3. Livestock waste shall be disposed of in such a manner as to prevent surface or groundwater contamination.

4. Watering areas for livestock adjacent to SMA regulated lakes (WAC 173-20-320), SMA regulated streams (WAC 173-18-190) and SMA regulated wetlands may be permitted provided that:
   a) no other feasible watering method is available, and
   b) adequate provisions are made to protect existing water quality, and
   c) adequate provisions are made to prevent the erosion of soil.
5. Buffer zones shall be established and/or maintained between tilled or grazed areas and associated water bodies to retard surface runoff, reduce siltation, and promote valuable shade for fish and habitat for other wildlife.

17.05.110 AQUACULTURE

A. Definition: Aquaculture is the culture or farming of finfish, shellfish, or other aquatic plants and animals, and for the purpose of this Master Program it includes commercial clam and geoduck harvesting.

B. Use Requirements

1. No aquatic organism shall be introduced into Island County salt or fresh waters without prior written approval of the Director of the Washington State Department of Fish and Wildlife.

2. Floating and submerged aquaculture structures shall be located to not unduly restrict navigational access to waterfront property or to interfere with general navigation. As a general rule, such structures should be located waterward of the minus 3 fathom contour or 200 feet beyond extreme low tide, whichever is further offshore, and floating structures should not extend beyond 1000 feet therefrom.

3. Intertidal aquaculture structures, such as pilings and intertidal formations, shall be located to not unduly restrict pedestrian circulation along beaches and navigation between such structures and any floating or submerged aquaculture structures. As a general rule, such structures should be located between the mean high tide level and extreme low tide.

4. In accordance with all governmental waste disposal standards, aquaculture wastes shall be disposed of in a manner that will prevent degradation of associated upland, wetland, shoreline, or water environments. Garbage, wastes or debris shall not be allowed to accumulate at the site of any aquaculture operation.

5. No processing of any aquacultural product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing shall be located on land and shall be governed in addition by the provisions of chapter 17.03 ICC.

6. Odors shall be controlled through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation. A specific plan for identifying and controlling odors shall be developed and approved as part of the permit approval process. Odors shall not unreasonably interfere with the enjoyment of life and property of a substantial number of persons.
7. Fish net-pen complexes shall not occupy more than two surface acres of water area in a district, excluding booming and anchoring requirements.

8. Floating aquaculture districts shall be limited to 40 surface acres or less of water area.

9. Fishnet pens shall meet, as a minimum, state administrative guidelines for the management of net-pen cultures; where any conflict arises the more stringent requirement shall prevail.

10. Aquaculture proposals that hydraulically, or mechanically, or by commercial digging (except traditional low impact hand implement digging), displace or disturb bottom sediments through dredging, trenching or excavation shall only be allowed in approved aquaculture districts. These activities, except for geoduck beds which are subject to Washington State Department of Fish and Wildlife standards, shall not be allowed in subtidal or intertidal areas with more than 15-20% fine sediment (63 microns or smaller) until it can be shown that the method or equipment can ensure immediate and sustained trench or hole refill, that there will be minimal significant adverse impacts on natural systems and that water quality standards are met.

In such fine sediment areas, proposed operations must demonstrate that displaced or disturbed materials including but not limited to muck, silts, fines, nutrients and chemical organic or other contaminants can be returned to the location from which they came in a manner such that they will not be resuspended or moved from that location by wind, current, wave or tidal action.

In areas with less than 15-20% fine sediment, such proposals must show that disturbed material will not be transported to adjacent beaches or intertidal areas in sufficient quantity to adversely affect the soil composition, aesthetic quality, water quality or vegetation of those areas.

11. Compliance with requirements for intertidal hydraulic or mechanical harvesting shall be met through presentation of documented evidence which certifies to the County’s satisfaction that protective controls will be complied with. Any on-site, non-commercial testing to support the presented documentation shall be limited in duration and distance. All required baseline studies shall be required which measure seasonal variations and shall be completed before any testing is allowed. Furthermore, districts proposing substrate displacement in intertidal estuarine environments such as Skagit Bay, Livingston Bay or Port Susan, shall not be considered unless supported by an adequate Environmental Impact Statement or supplement thereto incorporating a thorough baseline study of the surrounding marine environment which reflects seasonal variations in natural conditions. Such data shall be used to assess the probable adverse impacts of substrate displacement on shoreline resources. If the data shows that negligible adverse impacts occur in sediments with greater than 15-20% fine sediment, the 15-20% threshold in Regulation 10 may be amended when a district is created.
12. Aquaculture Proposals for Aquaculture practices that would cause an environmentally significant long run decline in unique or significant populations of benthic organisms, other than those being harvested, or result in the long term destruction of the habitat of unique or significant colonies of benthic organisms shall not be allowed in Island County.

13. When necessary, aquaculture projects may be allowed on a provisional basis and/or monitoring of specific environmental conditions may be required at the applicant’s expense prior to and/or during operation as a condition of approval, to provide proof that violations of the permit or potentially significant negative environmental impacts do not occur.

14. Predator control shall not involve the intentional killing or abusive harassment of birds or mammals. Approved controls include but are not limited to double netting for seals, netting for birds, and three-foot high fencing or netting for otters. The use of other non-lethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the Washington State Department of Fish and Wildlife, the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

15. For aquacultural projects using over-water structures, storage containers of necessary tools and apparatus seaward of the line of ordinary high tide shall be limited to containers of not more than three feet in height as measured from the surface of the raft or dock or a maximum of six feet from the water; provided that in locations where the visual impact of the proposed aquacultural structure will be minimal, the County may authorize, without issuing a variance, storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored seaward of the ordinary high water mark.

16. Aquaculture development shall not occur until a Washington State Department of Health approval has been provided to the County where applicable.

17. Aquaculture districts that are designated for fixed systems, i.e. mussel rafts, longlines, net-pens, etc., shall generally consist of one or more 5-acre lease tracts which lie parallel to the bottom contours and perpendicular to shore. Two hundred (200)-foot-wide navigational access ways, laying perpendicular to shore, shall be provided wherever necessary to maintain access between aquacultural projects.

18. Salmon net-pen facilities shall not be located closer than 12 statute miles from the mouth of any river containing significant anadromous fish runs.

19. An annual report of antibiotic use shall be submitted to Island County. The report shall indicate the type and amount of antibiotics used during the previous calendar year.
20. Fish mortalities shall not be disposed of at any Island County solid waste disposal facility.

21. In promotion of the Island County solid waste management plan and with the associated goal of eliminating marine debris, applicants for finfish facilities will be required to submit for approval, a solid waste reduction and recycling plan.

22. Finfish aquaculture operators shall submit an annual report to Island County stating the total number of fish mortalities that occurred during the previous calendar year. In event of a significant fish kill, the cause of death shall be determined and reported.

23. Aquaculture proposal applicants shall be required to supplement their applications with any and all information about their project needed to conduct a thorough evaluation, including but not limited to the following when appropriate.

   a) Species to be reared;
   b) Aquaculture method(s);
   c) Schedule, method, and type of feeding (if applicable);
   d) Manpower/employment necessary for the project;
   e) Harvest method and timing;
   f) Location and plans for any shore-side activities including loading and unloading of the product and processing;
   g) Method of predator control;
   h) Disposal of aquaculture mortalities and other waste products by approved methods;
   i) Environmental assessment including best available background information on tidal variations, current patterns and flows, flushing rates, prevailing storm wind conditions, aquatic and benthic organisms and predictable impact on water quality, biota, littoral drift, and any other shoreline and water uses. Further baseline studies may be required depending upon existing conditions, the nature of the proposal, and probable adverse environmental impacts. Baseline and periodic monitoring, as required by permit, shall be at the applicant’s expense by County approved consultants unless otherwise provided for.
   j) Existing water quality conditions; and
   k) Other pertinent information deemed necessary by the Planning Director.
17.05.120 ARCHAEOLOGICAL AREAS AND HISTORIC SITES

A. **Definition:** Island County has established one of the largest Historical Preservation Districts (Ebey's Landing) in the Puget Sound Basin and Pacific Northwest. The current archaeological site inventory for the County includes a number of different sites, of which the five major types are shell middens, lithic sites, earthworks, rock cairns, and burial grounds. While shell middens and burial grounds are strongly associated with shorelines, the other types may also be found within the shorelines of the County. Areas and sites of archaeological and historic value are in danger of being lost through present day changes in land use and urbanization.

B. **Use Requirements**

1. All shoreline permits shall contain a special provision requiring permittees to notify Island County if any potential archaeological artifacts are uncovered during excavation or development and to cease work immediately if, during the course of development human remains or archaeological resources are encountered.

2. All permits issued for development in areas known to be archaeologically significant shall provide for site inspection and report by a qualified archaeologist prior to the issuance of a permit.

3. No permit for an application requiring an archaeologist’s report will be issued prior to the receipt of the required archaeological report. Once received, the report will be conveyed to the affected Indian Tribe(s), the Trust Board of Ebey’s Landing and/or the Island County Historical Society. Based on the information contained in the written report of the qualified professional archaeologist, including the recommendations of any affected Indian Tribe on avoidance or mitigation of the proposed project’s impacts obtained during the consultation process, the County will condition project approval in a manner to avoid or minimize impacts to the site consistent with federal and state law.

4. All developments proposed for location adjacent to historical sites which are registered on the State or National Historic Register shall be located and designed so as to be complimentary to the historic site. Development which degrades or destroys the historic character of such sites shall not be permitted.

17.05.130 COMMERCIAL DEVELOPMENT

A. **Definition:** A business use or activity involving retail or wholesale marketing of goods and services. It does not include Bed & Breakfast Inns and Country Inns which are named as specific uses in the shoreline use table in 17.04.070.

B. **Use Requirements**
1. New commercial developments shall locate adjacent to existing commercial developments whenever practicable.

2. New commercial development may only be allowed in the shoreline jurisdiction within the Rural, Shoreline Residential, and Urban environments if the proposed commercial activity is permitted in the underlying zone classification according to Chapter 17.03 ICC; is a water-dependent or water-oriented use; and is consistent with the allowed uses, policies, and regulations in the applicable shoreline environment and this SMP.

3. New commercial development is prohibited in the Aquatic, Natural and Conservancy shoreline environments.

4. Commercial developments shall not interfere with the enjoyment of adjacent recreational or residential uses.

5. In low bank areas, the minimum setback for commercial structures shall be fifty (50) feet landward from the OHWM, except in the Urban Environment, where water-dependent commercial development shall not be required to maintain a shoreline setback.

6. In geologically hazardous areas or unstable bluff areas, the minimum setback for commercial structures shall conform with the bluff setback requirements established under Chapter 11.02 ICC.

7. In low bank areas, commercial parking and loading areas shall be located at least fifty (50) feet landward from the OHWM and shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.

8. In geologically hazardous areas or unstable bluff areas, commercial and parking areas shall be located in conformance with setback standard requirements established under ICC Chapter 11.02 ICC.

9. Legally established existing commercial developments and activities within the shoreline jurisdiction may be maintained and/or expanded subject to the requirements of Chapter 17.03 ICC, and the setback averaging requirements of 17.05.200(B)(10). In cases where the existing setback is less than 25 feet from the OHWM, the proposed expansion may not occur any further seaward towards the OHWM; EXCEPT for water dependent uses.

10. Design of parking and loading areas shall assure that surface runoff does not pollute adjacent water or cause soil or beach erosion.

11. Outdoor advertising and signs shall comply with the section of Outdoor Advertising, Signs and Billboards of this chapter.
12. Applications for commercial development shall include a detailed statement explaining the nature and intensity of water orientation of the proposed activity. Such statement shall include the following:

   a) nature of the commercial activity;
   b) need for shoreline frontage;
   c) special considerations being planned to enhance the relationship of the activity to the shoreline and to mitigate adverse affects;
   d) provisions for public visual and/or physical access to the shoreline.

17.05.140 DOCKS AND PIERS

A. Definition: A structure built over or floating upon the water, used as a landing place or marine transport, or for commercial or recreational purposes.

B. Use Requirements

1. Piers and docks shall be located and designed in a manner so as not to interfere with geohydraulic shoreline processes.

2. The location and design of docks and piers, as well as the subsequent use, shall minimize adverse effects to fish, shellfish, wildlife, and water quality.

3. Docks and piers shall be located, designed, and operated so as not to interfere with rights of adjacent property owners, nor interfere with adjacent water uses.

4. With the exception of those residential areas designed for private dock facilities, Applications for docks and piers associated with single family residences shall not be approved unless:
   a) it can be shown by the applicant that existing facilities are not adequate, feasible or available for use; and
   b) the possibility of a multiple-owner or multiple-user facility has been thoroughly investigated unless adjacent lot owners either do not wish to share the dock or do not respond to the request; and
   c) the applicant shall have the burden of providing the information requested for items a, and b above, and shall provide this information to the Administrator.

5. Each dock or pier proposal shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential and cumulative impacts on littoral drift, sand movement, water circulation and quality,
Island County Shoreline Master Program
Page 3—74

1. fish and wildlife, navigation, scenic views, and public access to the shoreline and the best available background information on tidal currents, wave height, and prevailing storm wind conditions.

6. Docks and piers associated with residential uses shall not exceed the length of existing docks, or piers of abutting property owners; except where required for extraordinary circumstances.

7. Docks and piers associated with water dependent commercial or industrial uses shall be the minimum necessary to accommodate the proposed use.

8. Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the probability of spill. Adequate provision shall be made to control accidental spills that do occur.

9. Docks or piers shall make adequate provisions for parking and liquid and solid waste disposal.

10. All docks, piers, floats, and similar devices shall be designed and located so as not to be a hazard to navigation and so marked as to prevent a hazard to navigation at any time during the day or night.

11. All floats and floating docks shall include stops, which will serve to keep the floats off the tidelands at low tide.

12. Joint use facilities shall be required for new waterfront subdivisions, planned residential development (PRD), multi-family residences, and inns.

13. Unsafe docks and piers shall be removed or repaired promptly by the owner.

14. Design standards for docks and piers:

   a) Pilings must be structurally sound prior to placement in the water;

   b) when plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures shall be required;

   c) overhead wiring or plumbing is not permitted on piers or docks;

   d) dock lighting shall be designed to shine downward, be of low wattage, and shall not exceed a height of three feet above the dock surface;

   e) all construction-related debris shall be disposed of properly and legally. Any debris that enter the water shall be removed promptly. Where feasible, floats shall be secured with anchored cables in place of pilings.
15. Piles, floats or other members in direct contact with water shall not be treated or coated with biocides such as paint, or pentachlorophenol. Use of arsenate compounds or creosote treated members is discouraged and shall only be used in accordance with the following provisions:

a) In freshwater, untreated wood, concrete or other nontoxic alternatives shall be used unless the applicant can demonstrate that no feasible alternative to toxic treatments is available which will provide the structural characteristics necessary for the project.

b) In saltwater areas characterized by significant shellfish populations or in shallow embayments with poor flushing characteristics, untreated wood, precast concrete, plastic or other nontoxic alternatives shall be used unless the applicant can demonstrate that no feasible alternative to toxic treated wood is available which will provide the structural characteristics necessary for the project. In all cases where toxic treated products are allowed, products, methods of treatment and installations shall be limited to those that are demonstrated as likely to result in the least possible damage to the environment based on current information.

17.05.150 DREDGING AND LANDFILL

A. **Definition**: Dredging is the removal of earth, sand, gravel, silt or debris from the bottom of a stream, river, lake, bay or other water body. Dredging includes any harvesting of natural resources by any mechanical or hydraulic means which involves substrate displacement or disturbance.

Landfills are the creation of a dry upland area by the deposition of materials into water, or onto shoreline or wetland or upland areas in order to raise the elevation.

B. **Use Requirements**

1. Landfill shall be permitted only in the following circumstances:

a) If seaward of the OHWM, only in conjunction with Water-Dependent Uses approved pursuant to this Chapter; or

b) If landward of the OHWM, only in conjunction with Water-Oriented Uses approved pursuant to this Chapter; or

c) For lots created prior to this Chapter and are located within Floodplains, Landfill shall be limited to the minimum necessary to meet Floodplain standards.

d) For lots created prior to this Chapter and located within regulated wetlands, only if it is necessary to achieve reasonable use and then only the absolute minimum amount of fill.
e) Landfill that is exempted pursuant to ICC 17.05.060(C)(2).

f) Landfill for purposes identified in ICC 17.05.060(C)(2) that exceeds the 250 cubic yard exemption threshold.

2. Landfill shall be prohibited in estuaries, tidelands, marshes, ponds, swamps or similar water-retention areas, except for the minimum necessary to provide for the reasonable use of a property in accordance with “reasonable use exceptions and exemptions”, as specified in Chapter 17.02 ICC.

3. Sanitary landfill sites within any area subject to the jurisdiction of the Shoreline Management Act are strictly prohibited.

4. Landfill shall be deposited so as not to block the normal recharge of groundwater supplies, and in a manner that does not degrade quantity and quality of groundwater.

5. Fill material shall be of a quality, and so placed and contained, as to not cause water quality degradation. Junk, garbage, and other potentially hazardous materials shall not be used as fill material.

6. Applications which include landfiling as a project element shall include the following information:

a) physical, chemical and biological character of landfill material;

b) source of landfill material;

c) method of placement and compaction; and

d) method of perimeter erosion control.

7. The perimeter of all landfills shall be provided with means of control erosion, such as vegetation, retaining walls or other mitigating measures.

8. Dredging shall cause no more than minimal disruption of natural geohydraulic processes along shorelines.

9. Dredging operations shall be scheduled so as not to interfere with the migratory movements of anadromous fish.

10. Dredging shall not cause unnecessary interference with navigation or infringement upon adjacent shoreline uses, properties, or values.

11. Dredged material shall be deposited on upland sites wherever possible, and in any case only on those sites authorized by a Shoreline Management Substantial Development Permit.

12. Dredged materials deposited on upland sites shall constitute landfill, and shall comply with all applicable landfill requirements of this Ordinance.
13. Applications shall comply with requirements stipulated under Chapter 11.01 ICC (Land Development Standards) and Chapter 11.02 ICC (Clearing and Grading Regulations).

17.05.160 FOREST MANAGEMENT PRACTICES

A. **Definition:** Forest Management Practices are those methods used for the protection, production and harvesting of timber. Trees along a body of water provide shade which insulates the water from detrimental temperature change and dissolved oxygen release. A stable water temperature and dissolved oxygen level provide a healthy environment for fish and other more delicate forms of aquatic life. Poor logging practices on shorelines alter this balance as well as result in slash and debris accumulation and may increase the suspended sediment load and the turbidity of the water.

B. **Use Requirements:** Forest management practices shall comply fully with regulations adopted pursuant to the Forest Practices Act of 1974. Applications for permits under these regulations affecting property within the area of jurisdiction shall be reviewed for conformity with the policies and intent of the Island County Shoreline Management Program.

17.05.170 MARINAS

A. **Definition:** Marinas are facilities which provide boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas: open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or fill).

B. **Use Requirements**

1. Marinas shall be designed to minimize their adverse effects on the scenic qualities of the shorelines.

2. Landfill, when utilized, shall be only for necessary water dependent portions of the marina facility and not for parking, unless no alternatives exist and such fill would be consistent with this program and the public interest.

3. Marinas shall be sited to minimize degradation of commercial and recreation shellfish beds, water quality, existing geohydraulic shoreline processes and shall comply with the Washington Department of Health’s “Environmental Health Guidelines for Marina Development and Operation.”

4. Where moorage is offered in new, expanded or renovated existing marinas, pump-out, holding and/or treatment facilities shall be provided for sewage contained on boats and/or vessels. Such facilities shall be located so as to be conveniently accessible to all boats. The responsibility for the adequate and approved
collection and disposal of marina originated sewage, solid waste and petroleum waste is that of the marina operator.

5. Marinas shall be located, designed, constructed and operated so as not to unnecessarily interfere with the rights of adjacent property owners, nor interfere with adjacent water uses.

6. Parking and loading areas shall be located a minimum of 100 feet from the immediate water’s edge and beaches where possible.

7. Marinas shall make adequate provisions to minimize the probability of fuel spills during handling or storage. Provisions shall be made to handle accidental spills that do occur.

8. Marinas shall provide adequate on-shore sewage and waste disposal facilities and restrooms. Such facilities shall be adequate to serve transient boaters as well as “liveaboard” boaters.

9. Floatplane bases shall comply with all applicable Use Requirements relating to marinas.

10. Dredging or filling of wetlands for the sole purpose of constructing a marina shall be prohibited.

11. New marina related structures or uses which are not in and of themselves shoreline dependent shall not be located over water. Adaptive reuse of existing overwater structures are encouraged to be Water-Oriented Uses.

12. The incorporation of reasonable public access facilities into public marina design shall be required. Marinas may restrict access to specific areas for security reasons.

13. Surface runoff from marina areas shall be controlled so that pollutants will not be carried into water bodies.

14. Parking areas shall be subject to the policies and regulations of ICC 17.03.180(Q). No over water parking shall be allowed.

15. Marinas shall be subject to the Design standards for docks and piers in ICC 17.05.140(B)(14) and the Non-Residential Design, Landscape and Screening Guidelines of ICC 17.03.180(P) that specifically address Non-Residential design.

17.05.180 MINING

A. Definition: Mining is the removal of naturally occurring materials from the earth for economic use. The removal of sand and gravel from shoreline areas of Washington usually results in erosion of land and silting of water. These operations can create silt and
kill benthic species. The removal of sand from marine beaches can deplete a limited resource which may not be restored through natural processes.

B. **Use Requirements**

1. Applications for mining permits shall be accompanied by a report on the geologic makeup of the site, prepared by a competent professional geologist, addressing the following:

   a) type of material(s) present on the site;
   b) quantity of material(s) (by type);
   c) quality of material(s) (by type);
   d) lateral extent of mineral deposit;
   e) depth of mineral deposit; and
   f) depth of overburden.

2. Excavation of sand, gravel and other minerals shall be done in strict conformance to the Washington State Mine Surface Reclamation Act (RCW 87.44).

3. Topsoil overburden having value for agriculture or other beneficial uses shall not be disposed in a manner which precludes future utilization or impairs its value.

4. Mining of marine and lake beaches, stream beds and shoreline associated wetlands, including but not limited to sand, gravel, cobbles, boulders, or quarry rock is prohibited.

5. All shoreline mining operations shall use buffer zones, settling ponds, erosion prevention measures, and/or other precautions to protect the shoreline from mine-generated sediment, debris and contaminated effluent.

6. Should substantial evidence be submitted to Island County indicating that the continuance of any project in the current manner is detrimental to the proper functioning of the subject marine or lake waterfront, this permit shall be reviewed by the granting authority to determine if further conditions should be imposed or if the permit should be terminated.

### 17.05.190 RECREATION

A. **Definition:** Facilities such as parks and campgrounds which provide means for relaxation, play or amusement.

B. **Use Requirements**

1. Trailer spaces, camping sites, and similar facilities shall not be located on beaches and tidelands.
2. Recreation facilities shall be designed to provide adequate water supply, sewage disposal, and garbage collection.

3. Screening, buffer strips, fences, and signs to prevent park overflow and to protect the value and enjoyment of adjacent or nearby private or public properties shall be required when deemed necessary.

4. Tree-cutting and driftwood removal in public recreational areas shall be prohibited.

5. Signs associated with recreation facilities shall be kept to a minimum in number and size, and shall be erected as informational or directional aids only.

6. All terrain vehicles for off road use are prohibited on tidelands and beaches; EXCEPT when necessary, to launch or retrieve boats or for those individuals who are physically challenged.

7. Applicants for Substantial Development permits for recreation facilities may be required to provide data to demonstrate the safety of proposed equipment and facilities.

17.05.200 RESIDENTIAL DEVELOPMENT

A. **Definition:** The development of land and/or the construction or erection of dwelling units for the purpose of residential occupancy.

B. **Use Requirements**

1. In lieu of specific density standards within this SMP, subdivisions shall reflect a density which exemplifies the designation and policy of the Shoreline Designation within which they are located; the physical capabilities of the subject site; and the density permitted in the underlying zone by Chapter 17.03 ICC.

2. Residential development is not considered a water-dependent use.

3. Residential development shall not be permitted seaward of the ordinary high water mark. Live-aboard vessels, floating homes, and houseboats are restricted to approved marinas only.

4. Public access to publicly owned shorelines shall be maintained.

5. Subdivisions and all individual residential structures, appurtenances, and accessory structures shall be designed to assure that surface runoff does not pollute adjacent waters or cause soil or beach erosion either during or after the construction phase.
6. Subdivisions containing marshes, swamps, lagoons, portions of floodplains, or similar wetlands shall use those areas only for the purposes of parks, open-space, or recreation facilities as permitted by Chapter 17.02 ICC.

7. Construction of residential structures, appurtenances, accessory structures and amenities shall not be detrimental to the geohydraulic processes occurring within the shoreline corridor.

8. Residential structures shall not be located on wetland areas or in areas subject to flooding or tidal inundation unless required to provide for the reasonable use of the property as defined by Chapter 17.02 ICC, and unless complete flood-proofing measures have been provided, and then only when the location of such structures will not aggravate flooding possibilities of nearby properties.

9. Residential structures shall only be located upon geologically hazardous areas (as defined by this SMP) if in compliance with the bluff setback standards and conditions contained in Chapter 11.02 ICC.

10. Special Shoreline Setbacks.

   a) The standard Shoreline Setback for Dwelling Units shall be fifty (50) feet landward of the OHWM except for the Conservancy and Natural Environments, where the setback shall be seventy-five (75) feet landward of the OHWM.

   b) A greater setback may be required if necessary to comply with the grading, geologically hazardous area, erosion control and drainage requirements of Chapter 11.02 ICC and Chapter 11.03 ICC and/or the critical areas regulations contained in Chapter 17.02 ICC.

   c) For the purpose of accommodating shoreline views within existing developed areas. Setbacks for residential uses may be reduced consistent with the following:

      (i) Where there are Existing principal residences that encroach on the established setback within two-hundred-forty (240) feet of either side of the proposed building footprint, the required setback for the proposed structure may be reduced by review and approval of the Shoreline Administrator. In such cases, the setback of the proposed residential structures may be reduced to the average of the setbacks of the existing adjacent principal residences.

      (ii) In those instances where only one (1) Existing principal residence is within two-hundred-forty (240) feet of either side of the proposed building site, the Setback of the proposed structure may be reduced (with approval of the Administrator) to the average of
the Setbacks for the existing adjacent principal residence and the applicable Setback for the adjacent vacant parcel.

(iii) The reduced setbacks applied above shall not be less than twenty-five (25) feet landward of the OHWM except for the Natural and Conservancy Environments, where the minimum shall be fifty (50) feet, unless required to comply with the Setback requirements of the Chapter and Chapter 17.02 ICC.

11. Normal appurtenances may be located within the shoreline setback so long as they do not obstruct the water view corridor of adjacent waterfront primary residences and are not located within the native vegetation buffer.

12. All structures shall be located and designed to avoid the need for structural shore defense works.

13. Subdivision of lots on feeder bluffs should allow sufficient lot depth for development to occur without the need for bulkheading or other structural stabilization of the slope or bluff.

14. Subdivision of land within the Natural Environment will be restricted to the creation of new parcels with a minimum lot size of 5 acres and a minimum shoreline frontage of 330 feet within shoreline jurisdiction. The 330’ lot width standard may be modified to accommodate aliquot sections.

15. Building setbacks from shorelines consistent with the requirements of this Chapter and Chapter’s 17.03 and 17.02 shall be established as conditions of preliminary plat approval in all new waterfront subdivisions. A plat restriction shall specify the required setbacks and all building setbacks shall be shown on the face of the plat.

16. Septic drainfields which are proposed for lots upon feeder bluffs or within 100 feet of any geologically hazardous areas should be designed and located so as to discharge leachate as far as practically possible away from the bluff face.

17. Additions to legally established residences shall not be located seaward from the applicable setback and shall conform to applicable shoreline regulations as well as other applicable county and state regulations. For purposes of this section “residence” shall mean the primary residential structure on the property and attached or detached guest cottages.

18. Natural vegetation between the OHWM and the top of banks and bluffs ten feet or higher shall be retained, except for removal necessary for view enhancement, removal of hazardous, diseased or damaged trees and to allow for pedestrian waterfront access. Removal of invasive non-native species is authorized.
19. In the Natural Environment, a 50-foot native vegetation buffer shall be required wherein only limited tree limbing for view corridor purposes is allowed. The native vegetation zone shall be designated on the site plan, approved by the County Planning Department and recorded with the County Auditor.

20. Joint use stairways may be required in areas of existing residential subdivisions located on unstable slopes, marine feeder bluffs or other geologically hazardous areas.

21. Stairways and tramways, located in the Urban, Shoreline Residential and Rural designations, are considered normal appurtenances to a single-family residence and are exempt from the requirements of a Substantial Development Permit.

22. Stairways and tramways located in the Conservancy designation are a conditional use.

23. Stairways and tramways located adjacent to fish and wildlife habitat conservation areas that include over water structures, landings that require fill or shore protection structures, are a conditional use.

24. Stairways and tramways located in the Natural designation shall be prohibited, except for public use purposes, which are a conditional use.

25. Gazebos and shed are considered normal appurtenances to a single-family residence.

26. All stairways and tramways, gazebos and sheds must conform to the following criteria:

a) They shall be located and designed in such a manner so as to not require subsequent shoreline modification, including the installation of bulkheads solely for the purpose of protecting new appurtenances.

b) They are designed and located to avoid unstable slopes, eroding bluffs and other geologically hazardous areas.

c) They are designed and located in such a manner to minimize the loss of existing vegetation.

d) Stairways and any other structures required for pedestrian access to the shoreline which require any land disturbing activity within the shoreline setback area must comply with the requirements of the County’s land development standards.

e) They shall be designed in such a manner to minimize their impact on the shoreline and so as to not interfere with normal littoral drift and movement of sediments to and along the shore and shall be located as far landward of the OHWM as practical.
f) Stairway and tramway landings shall be limited in size to that necessary for minimum safe access to the beach and shall not constitute a deck.

17.05.210 OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

A. Definition: Publicly displayed messages on signs, billboards, placards, or buildings whose purpose is to provide information, direction, or advertising.

B. Use Requirements

1. Recognized or officially delineated vistas or viewpoints shall be kept free of unnecessary signs.

2. Off-premise outdoor advertising, signs, and billboards shall not be permitted in the 200' shoreline jurisdiction area.

3. On-premise advertising signs shall be constructed against, or painted on buildings to minimize visual or access obstruction of the shoreline.

4. On-premise signs shall not extend in height above the highest exterior wall of the building to which the sign relates. Signs shall not be erected upon the roofs of structures.

5. Artificial lighting for signs shall be directed or beamed downward (where possible) and away from the water, public street, or adjacent premises so as not to cause glare or reflection that may constitute a traffic or boating hazard or nuisance.

17.05.220 PORTS AND WATER-DEPENDENT INDUSTRY

A. Definition: Ports are centers for water-born traffic and as such have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available. Port areas, which are located outside of municipal boundaries in Island County, are generally located in the Rural Center zone.

Water Dependent Industry: An industrial use or a portion of an industrial use which can not exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water dependent industrial uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

B. Use Requirements
1. Industrial uses are allowed in the Urban environment where the proposed industrial activity is shown to be water-dependent and is permitted in the underlying zone by Chapter 17.03 ICC.

2. Industrial uses are prohibited in the Natural, Conservancy, Rural and Shoreline Residential environments.

3. Water-dependent industrial structures are not required to maintain a minimum setback from the shoreline. Non-water dependent structures shall maintain a setback.

4. Industrial development shall be located, designed, constructed and operated in such a manner as to minimize effects on aquatic life.

5. Industrial developments shall comply with all federal, state, regional and local requirements regarding air and water quality.

6. Industrial and port facilities shall be located, designed, constructed, and operated so as to minimize unnecessary interference with the rights of adjacent property owners as well as adjacent shoreline or water uses.

7. Industrial and port facilities shall not duplicate, but share overwater structures such as docks and piers whenever practicable. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved. Best Management Practices shall be used in the storage and handling of flammable, explosive and hazardous materials in industrial and port facilities.

8. Industrial and port facilities shall make adequate provisions to minimize the probability of spills of fuel or other toxic substances. Provisions shall be made to handle accidental spills that do occur.

9. Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Emergency warning sirens or alarms and related apparatus used solely for public purposes are exempt from this requirement.

10. Industrial facilities shall assure that no direct or reflected glare is visible from adjacent properties, streets, or water areas.

11. Port and industrial facilities shall provide public access to shoreline areas when feasible, taking into consideration public safety, public health, and security.
17.05.230  ROAD DESIGN AND CONSTRUCTION

A.  Definition: Roads provide access to property abutting public right-of-ways, serve as linear passageways for motor vehicles moving people and goods and provide easements for various utilities. Road construction can limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters.

B.  Use Requirements

1. Roads other than those providing access to approved shoreline uses shall be located away from the shoreline, except when no reasonable alternate location exists. When permitted, development of scenic view parking areas and bicycle trails shall be mandatory.

2. Roads shall be designed as to control the dispersal of surface runoff from roads and exposed soils in order to minimize turbid water from draining into waterways.

3. Culverts and similar devices shall be designed with regard to the highest annual storm frequencies and shall be designed in conformance with the requirements of Chapter 11.03 ICC (Stormwater).

4. Roads, bridges, culverts and similar devices shall afford maximum protection for fisheries resources and shall be designed in conformance with grading and stormwater runoff control features required under Chapters 11.02 and 11.03 ICC.

5. Excess material shall be deposited in stable locations and not into shoreline corridors where such materials degrade water quality, impede flood waters, or alter naturally occurring geohydraulic processes.

6. Road and driveway alignments shall be designed to fit the topography of the shoreline so that alterations to the natural site conditions are minimized.

7. Roads shall be setback a safe distance from the top of unstable marine bluffs and other geologically hazardous areas in accordance with the requirements of Chapter 11.02 ICC.

8. Design of proposed roads and driveways within or adjacent to a geologically hazardous area as defined in this SMP shall be subject to the requirements of Chapter 11.02 ICC.

17.05.240  SHORELINE STABILIZATION

A.  Definition: Structures or modifications for the purpose of retarding shore erosion from wave or current action, protecting channels and harbors from wave action, encouraging deposition of beach materials, preventing shoreline overflow and retaining uplands. They may consist of bulkheads, seawalls, dikes, revetments, breakwaters, jetties, groins and
gabions. Defense works are commonly constructed from quarry rock (rip rap), treated wood, concrete, steel, sand and gravel.

B. Use Requirements

1. Shore defense works shall not be considered an outright permitted use and shall be permitted only when it has been demonstrated that shoreline protection is necessary for the protection of legally established structures and/or public improvements.

2. Shore defense works shall not adversely impact the property of others.

3. Groins and jetties are permitted only as part of a professionally designed community or public beach management program.

4. Shores defense works shall comply with the following requirements:

   a) Shore defense works shall be designed and constructed in a manner that causes an absolute minimum of interruption to naturally occurring shoreline processes.

   b) Shore defense works shall be designed and constructed so as to minimize interruption of fish movements as well as marine and wildlife habitats.

   c) Shore defense works such as bulkheads and dikes shall not be used for the indirect purpose of creating landfills. When landfill is required behind an already existing structure, it shall not extend beyond the OHWM unless otherwise permitted in compliance with this Ordinance.

   d) Shore defense works such as bulkheads, dikes, jetties or groins shall not be permitted on spits, hooks, bars, barrier beaches or similar accretion terminals or accretion shoreforms; except when it can be demonstrated that construction of the above shore defense devices are absolutely necessary for the protection of existing developments.

   e) Shore defense works shall not be permitted on marine feeder bluffs, except when it can be demonstrated by a professional engineer or geologist that construction will not seriously disrupt the upland feeding action or the littoral drift.

   f) Shoreline Permit applications shall provide competent technical evidence that the proposed shore defense structure will perform as designed.

   g) Applications for jetties shall cover the following items:

      (i) reason for project;

      (ii) type of construction;
(iii) method of construction;
(iv) direction of net longshore drift;
(v) beach feeding procedures (where appropriate).

h) Applications for groins shall cover the following items:

(i) reason for project;
(ii) type of construction;
(iii) method of construction;
(iv) source and destination of material proposed to be trapped by the groin(s);
(v) beach feeding procedures (where appropriate).

i) Whenever factors of safety would not prevent such provision shall be made for pedestrian access on the top of jetties.

j) In order for a proposed bulkhead to qualify for the RCW 90.58.030 (3) (e) (iii) exemption for bulkheads associated with a legally established single family residence and to insure that such bulkheads will be consistent with the SMP as required by RCW 90.58.141 (1), the Shoreline Administrator shall review the proposed design as it relates to local physical conditions and the Island County SMP and must find that:

(i) Erosion from waves or currents is imminently threatening a legally established residence or legally established accessory structures located less than 100 feet from the OHWM, and

(ii) The proposed bulkhead is either located landward of the ordinary high water mark or if more than 50% of the functional value of an existing bulkhead is in disrepair and the OHWM has moved (e.g., due to bank erosion), repairs must be relocated to the present OHWM, and

(iii) EXCEPT in areas subject to coastal flooding as defined by FEMA and Chapter 13 ICC, the maximum height of the proposed bulkhead is no more than one foot above the elevation of extreme high water on tidal waters as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration, and

(iv) On lots where the adjacent lot on either side has a legally established bulkhead, a bulkhead may be permitted; PROVIDED...
that the horizontal distance between existing bulkheads does not exceed one-hundred twenty (120) feet and the bulkheads are interconnected.

k) Non-exempt Bulkheads shall be allowed only when non-structural shoreline protection, restoration or modification techniques have been shown to be ineffective or unworkable in protecting existing development and evidence is presented that at least one of the following conditions exists:

(i) serious erosion is threatening an established structure on the subject property;

(ii) a bulkhead is the preferred method of stabilizing a landfill allowed by this SMP;

(iii) there is a demonstrated need in connection with water-dependent commerce and industry in appropriate environments.

l) Bulkheads or other shore defense works will not be permitted in conjunction with new projects; except where other design alternatives, not requiring the use of bulkheads, (including the use of natural protective berms, drift logs, brush, beach feeding, vegetative stabilization and setbacks) have been demonstrated to be infeasible or not practical.

m) Use of a bulkhead or other shore defense works to protect a platted lot where no structure presently exists is prohibited, EXCEPT where property is adjacent to and downdrift from a jetty, bulkhead, or similar structure and threatened by serious erosion caused or increased by those structures, in which case, a bulkhead may be allowed.

n) Applications for bulkheads shall cover the following items:

(i) type of construction;

(ii) elevation of the toe and crest of the bulkhead with respect to water levels;

(iii) purpose of bulkhead;

(iv) direction of net longshore drift (when appropriate);

(v) normal, low and high water elevations (when appropriate); and

(vi) technical evidence indicating the need for the bulkhead consistent with the requirements of this chapter.
Design Regulations

o) Bulkheads shall conform to design requirements of the Washington Department of Fish and Wildlife (when appropriate).

p) If a bulkhead is employed as a shore defense work in compliance with the policies and regulations of this SMP, the following design criteria shall be met:

(i) The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the shoreline hydraulic system;

(ii) Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling;

(iii) The toe reinforcement or protection must be adequate to prevent a collapse of the system from wave action, overtopping, scouring, and upland erosion; and

(iv) The material used in construction shall be non-toxic to marine organisms; and

(v) Bulkheads shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil/materials.

q) All shore defense works shall be sited and designed consistent with appropriate engineering principles and US Army Corps of Engineer standards. Professional geologic site studies or professionally engineered designs may be required for any proposed bulkhead or other shore defense work if the County determines sufficient uncertainties or potential for damage to other shoreline properties and features exist.

r) Bulkheads that dissipate wave energy are preferred over vertical walls or concrete slabs. Where concrete slabs with vertical waterward faces are employed, adequate tiebacks and toe protection shall be provided. Design and material of bulkheads shall be decided and based upon an analysis of alternatives; the preferred alternative will be that which balances a minimum impact to the environment and shoreline process with a structural solution that will ensure the long term viability of the bulkhead.

s) Riprap shall be constructed and maintained in a manner that does not have a negative long-term impact on water quality and/or fisheries habitat.

 t) Riprap material shall consist of clean quarried rock and shall be of sufficient size and weight to prevent movement by wave or current action.
The use of tires, automobile bodies, scrap metal, paper products and other solid waste materials is prohibited.

u) Use of downed logs, snags or rock-work to enhance habitat and to provide a more natural appearance to the shoreline should be encouraged to be incorporated into the design where appropriate.

v) Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of it.

w) When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.

**Shoreline Restoration/Beach Enhancement**

x) Beach enhancement in all environments shall be undertaken only for restoration, enhancement or maintenance of natural resources.

y) Beach enhancement may be permitted when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitats.

z) Natural Beach Restoration/Enhancement design alternatives shall include the best available technology such as, but not limited to: gravel berms, drift sills, beach nourishment, natural revegetation and maintained plantings, deposition of drift logs and or large woody organic debris to stabilize the backshore or protect the toe of eroding bluffs.

aa) Natural beach restoration/enhancement shall not:

   (i)  Detrimentally interrupt littoral drift, or redirect waves, current, or sediments to other shorelines;

   (ii) Result in any exposed groin-like structures; provided that small “drift sill” groins may be used as a means of stabilizing restored sediment where part of a well planned community beach restoration program;

   (iii) Extend waterward more than the minimum amount necessary to achieve the desired stabilization;

   (iv) Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments;

   (v) Create additional dry land mass; and

   (vi) Cause irreversible long-term loss of near-shore habitat.
bb) The size and mix of new materials to be added to a beach as part of an approved beach restoration program shall be as similar as possible to the natural beach sediment, but large enough to resist normal current, wake or wave action at the site.

c) Beach enhancement shall be designed to minimize adverse impacts on spawning, nesting, or breeding habitat and so that littoral drift of the materials enhancement shall not adversely affects adjacent spawning grounds or other areas of biological significance.

17.05.250 SOLID WASTE DISPOSAL

A. Definition: Generally all solid waste is a possible source of much nuisance. Rapid, safe and nuisance free storage, collection, transportation and disposal are of vital concern to all persons and communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a severe threat to the health and safety of human beings, livestock, wildlife and other biota.

B. Use Requirements

1. Sanitary landfills or the location of solid waste disposal sites within any area subject to the jurisdiction of the Shoreline Management Act are strictly prohibited.

2. Storage, collection and handling of solid waste associated with shoreline residences or commercial development shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air or water pollution.

3. Solid waste shall not be stored in areas subject to flooding unless it can clearly be demonstrated that complete and effective floodproofing of structures or equipment can be accomplished.

4. Liquid wastes shall be disposed of in compliance with standards of local, state, regional, and federal pollution control authorities.

17.05.260 UTILITIES

A. Definition: Utilities include major and minor facilities and infrastructure that serve both individual home owners as well as area wide populations. Utilities include, but are not limited to, sewer infrastructure, water infrastructure, communications infrastructure, stormwater infrastructure, power infrastructure, etc.

B. Use Requirements

1. The following utilities are prohibited within 200 feet of the shoreline:
a. electric power substations
b. recycling centers
c. transfer stations

2. Utilities shall be installed underground whenever feasible.

3. When feasible, utility corridors shall serve multiple uses such as shoreline access or recreational trails or pathways.

4. Utilities installed on beaches or upon tidal areas shall be installed in such a manner as to assure that water quality and marine life will not suffer degradation.

5. Upon completion of installation projects, or maintenance projects, banks shall be restored to a suitable configuration and stability, and shall be replanted with native species and provided with maintenance care until the newly planted vegetation is established.

6. Utility discharges and outfalls shall be located, designed, constructed and operated so that degradation of water quality, marine life and general shoreline ecosystems is kept to an absolute minimum.

7. Utilities located in flood prone areas shall be provided adequate flood protection and shall be installed so as not to increase flood hazard or other damage to life or property.

8. Utilities shall not be installed in areas subject to geologic hazards unless it can clearly be demonstrated that such hazards can be overcome.

9. Pipelines and petroleum operations shall conform to the following requirements:
   a) the design, construction, operation and maintenance of pipelines carrying hazardous materials and petroleum products in liquid form shall conform to all regulations established by the United States Department of Transportation;
   b) in order to prevent spills and other forms of pollution, owners and operators of facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, and/or consuming oil shall conform to established procedures, methods and equipment, set forth by statutory and other requirements of the United States Environmental Protection Agency and the State Department of Ecology;
   c) no pipelines carrying hazardous materials or petroleum shall be constructed on the shorelines of Island County without issuance of a Substantial Development Permit;
d) no offshore drilling, processing or refining of petroleum shall be done within 1,000 ft. of the shorelines of Island County.

10. Desalination or reverse osmosis water production processing equipment, service lines, and utility connections must be approved by the Island County Health Department or the State Department of Health and shall be required to meet the following criteria:

a) No more than one (1) intake and one (1) discharge line is permitted.

b) The intake and discharge lines shall be trenched, run, or located together (side by side), except where necessary to provide adequate separation between intake and discharged water.

c) The intake and discharge lines shall be located underneath or along any docks, piers, walkways, stairs, or other shoreline improvements located on the site.

d) The intake and discharge lines shall not materially interfere with public use of public tidelands or navigation. The lines shall rest on or be anchored to the marine bottom. Floating intake and discharge lines are not permitted.

e) Anchoring systems for intake and discharge lines shall be designed to “breakaway” in order to minimize the visual and physical impacts of stormproof anchoring structures and/or systems.

f) Intake and discharge lines shall be located underground whenever feasible.

g) All areas disturbed by the placement or trenching for desalination facilities shall be immediately replanted with naturally occurring vegetation. Deep rooted plants as recommended by the Cooperative Extension Service and plantings recommended by the DOE Publication 93-30, Slope Stabilization and Erosion Control Using Vegetation-A Manual for Coastal Property Owners, shall be planted on the face and top of the bank to help stabilize the soil. All planting should be completed prior to the end of the growing season which immediately follows construction. All construction debris shall be immediately removed from the site.

h) All pumps, utility connections, and processing equipment not located within the residence shall be sited in accordance with the following provisions:

(i) Processing equipment shall be completely enclosed and/or screened from public view.
(ii) Pumps and processing equipment shall not produce noise audible above 60 dBA (normal conversation level) as measured at the property boundaries.

(iii) Any pumps located at the beach or bottom of the bank shall be located as far landward as possible, no further seaward of the Ordinary High Water Mark, and screened to the maximum extent possible.

i) The use of salt water infiltration wells as the intake source is prohibited.

j) Desalination and reverse osmosis systems on shorelines that are known or demonstrated to be eroding bluffs, unstable slopes, landslide areas, eroding beaches or other geological hazard area will require design and engineering which will assure that no significant visual or environmental impacts will be created.

k) Desalination and reverse osmosis systems should only be used for water supply when traditional methods cannot supply the quantity and quality of potable water required by the Island County Health Department.

l) If necessary, approval must also be obtained from the State Department of Natural Resources, the Army Corps of Engineers, the State Department of Fish and Wildlife, and any other agency that has jurisdiction over this type of facility.