

1  
2 **Island County Comprehensive Plan**

3  
4 **3. Shoreline Management Element**

5 **Shoreline Master Program Goals and Policies**

6 **Chapter 16.21 Shoreline Management**

7 **Chapter 17.05 Shoreline Use Regulations**



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# Chapter I: Goals and Policies Statements

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## 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.

1 This element must consider relationships between activities, structures, and environmental  
2 modifications which make up economic development, the developed and undeveloped shorelines,  
3 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.

4 When new economic development is proposed, questions of location, design and operation must  
5 be dealt with by the developer and by any regulatory agencies. Physical effects of the new  
6 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.

7 **GOAL:** PROVIDE FOR CONTROLLED ECONOMIC DEVELOPMENT OF  
8 SHORELINE DEPENDENT USES. DEVELOPMENT ALONG SHORELINES  
9 WILL BE SO LOCATED AND DESIGNED TO ENSURE COMPATIBILITY  
10 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.

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

13 ***General Development Policies***

- 14 1. Limit commercial development along shorelines to water-oriented uses and industrial  
development to water-dependent uses.
  - 15 2. Economic resources to improve the standard of living for residents of Island County shall  
16 be considered in the planning process.
  - 17 3. New commercial and industrial development on shorelines should be encouraged to locate  
18 in those areas where like-use activities exist, provided the current location is suitable for  
such uses.
  - 19 4. Commercial and industrial developments should be located along shorelines having low  
value for other uses.
  - 20 5. Encourage the development of commercial and industrial activities that do not require  
substantial increases in public expenditures for normal public services.
  - 21 6. Provide for a program to assess the effects commercial and industrial developments have  
22 on the environment.
- 23

1 The economic goals and policies as outlined in this document will have a direct effect on  
2 economic development and shoreline utilization within this County.

3 **II. Public Access Element**

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

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

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

22 **GOAL:** EXPAND AND ENCOURAGE THE DEVELOPMENT OF SAFE, CONVEN-  
23 IENT, 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.

24 ***General Development Policies***

- 25 1. Respect and protect private rights in shoreline property when considering public access  
26 development.
- 27 2. Encourage the development of public access to all shorelines of statewide significance,  
28 where appropriate.
- 29 3. Encourage commercial and industrial waterfront development to provide a means for visual  
30 and pedestrian access to the shorelines of the state.

- 1 4. Encourage the acquisition of suitable upland shoreline properties to provide access to the public to publicly owned shorelands and tidelands.
- 2 5. Locate, design and maintain public access development so as to protect the environment.
- 3 6. Provide for the public’s health, safety, and educational opportunities when developing public access.

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

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

10 *Alterations of the natural condition of the shorelines of the State, in those limited*  
11 *instances when authorized, shall be given priority for single-family residences,*  
12 *ports, shoreline recreational uses, including but not limited to parks, marinas,*  
13 *piers, and other improvements facilitating public access to shorelines of the State,*  
14 *industrial and commercial development which are particularly dependent of their*  
15 *location on or use of the shorelines of the State and other development that will*  
16 *provide an opportunity for substantial numbers of people to enjoy the shorelines*  
17 *of the State.*

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

### 21 ***Residential Development and Access to the Shores and Tidelands***

22 The vast majority of the County’s platted lots are to be found on fresh and saltwater shorelines,  
23 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.

### 24 **III. Circulation Element**

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

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

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

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

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

16 ***General Development Policies***

- 17 1. Locate and design circulation systems so as to ensure their harmony with other economic  
18 and social activities, both present and future.
- 19 2. Design circulation systems that provide safe and efficient movement of people and products.
- 20 3. Locate and design circulation systems so that natural shorelines remain substantially  
21 unmodified.
- 22 4. Provide for alternate modes of travel when developing circulation systems. (Example: non-  
23 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.

24 **IV. Recreation Element**

25 This element is concerned with the preservation and enlargement of recreational opportunities,  
26 including but not limited to parks, tidelands, beaches and recreational areas. Island County, in

1 planning for additional recreation areas and facilities within the shorelines, is currently updating its  
2 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.

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

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

7 ***General Development Policies***

- 8 1. Preserve regionally scarce and fragile natural resources when developing recreational uses.
- 9 2. Provide for the acquisition of shorelands, with high value for recreation, before other  
10 development makes such action impossible.
- 11 3. Provide a balanced choice of passive and active recreational opportunities countywide.
- 12 4. Shoreline recreational development within Island County will be consistent with established  
Goals and Policies of the countywide Park and Recreation Plan.
- 13 5. Encourage innovative and cooperative techniques among public agencies and private  
14 persons in planning recreational opportunities.
- 15 6. Provide for recreational development within shorelines of statewide significance, which will  
16 produce long-term benefits to all Island County and State citizens.
- 17 7. Encourage private investment in recreation facilities.
- 18 8. Recreational development should be located, designed and operated to minimize adverse  
effects on social, economic, and natural shoreline systems.
- 19 9. Encourage the establishment of scenic view points.

20 **V. Shoreline Use Element**

21 This element considers the pattern of distribution and location requirements of land uses on  
22 shorelines and adjacent areas, including but not limited to housing, commerce, industry,  
23 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?

1 **GOAL:** ASSURE THAT CONSERVATION AND DEVELOPMENT OF ISLAND  
2 COUNTY'S SHORELINES IS BALANCED, ORDERLY, IN SUITABLE  
3 LOCATIONS, AND DONE WITH MINIMUM DISRUPTION TO THE  
4 NATURAL ENVIRONMENT.

5 **General Development Policies**

- 6 1. Reserve shoreline land and water areas for uses consistent with the shoreline's  
7 environmental characteristics.
- 8 2. Encourage clustering of compatible uses for shoreline development within Island County.
- 9 3. Encourage all potential shoreline uses to provide for development that has limited  
10 environmental impact on existing natural systems.
- 11 4. Land uses allowed on upland areas adjacent to the shorelines should be consistent with  
12 shoreline uses and should avoid impacting shoreline resources.

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

17 **VI. Conservation Element**

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

21 One of the greatest challenges before the people of Island County is to maintain or meet projected  
22 needs for shoreline development, while at the same time conserving those systems that are  
23 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.

- 1 2. Provide for the protection of endangered species and habitat areas essential for propagation  
of shoreline oriented species.
- 2 3. Encourage local citizen participation in determining shoreline conservation strategies  
3 appropriate to Island County.
- 4 4. Preserve shoreline areas having unique natural resource systems valuable for scientific  
5 research for future study.
- 6 5. Encourage the preservation of scenic and aesthetic qualities of shorelines and vistas.
- 7 6. Contribute to a beneficial utilization of shoreline related resources without harming natural  
8 systems or the overall quality of the natural environment.
- 9 7. Restore damaged features or ecosystems to a higher quality than may exist currently.
- 10 8. Encourage the use of permanent open spaces, buffers, and accepted erosion control  
11 methods to retard surface and underground runoff for protection of the shoreline lands and  
12 waters.

## 11 **VII. Historical/Cultural Element**

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

16 Island County has established one of the largest Historical Preservation Districts (Ebey's Landing)  
17 in the Puget Sound Basin and Pacific Northwest. Additionally, Island County has a large number  
18 of prehistoric cultural resources which occur on a variety of public and private lands. To date,  
19 only a small portion of these resources have been identified and catalogued. The current  
20 archaeological site inventory for the County includes a number of different sites, of which the five  
21 major types are shell middens, lithic sites, earthworks, rock cairns, and burial grounds. While shell  
22 middens and burial grounds are strongly associated with shorelines, the other types may also be  
23 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***

- 21 1. Identify areas containing potentially valuable cultural resources and sites, both historic and  
22 pre-historic, and establish procedures for protecting and preserving them.
- 23 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

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

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

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

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

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

21 7. The County shall require property owners or project proponents to immediately halt work  
22 if, during the course of development, and particularly during actual construction, human  
23 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

1 the Office of Archaeology and Historic Preservation. This contact shall initiate a  
2 consultation process for determining subsequent actions.

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

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

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

### 9 **VIII. Implementation Element**

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

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

### 20 **General Development Policies**

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

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

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

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

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

- 1 6. Grant variances from the provisions of the Master Program only in those limited instances  
2 when strict compliance with the provisions of the Master Program would prevent any  
reasonable use of the property involved.
- 3 7. Conditional Use Permits may be approved when they will further the intent of the Master  
4 Program, be compatible with the surroundings, and be regulated to minimize undesirable  
effects on the shorelines of the county.
- 5 8. Comply with the requirements of the State Environmental Policy Act of 1971 including but  
6 not limited to, the filing of environmental checklists or an Environmental Impact Statement  
in processing shoreline permits.
- 7 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.
- 8 10. Consider the interrelationships between the Shoreline Management Plan and the  
Comprehensive Plan.
- 9 11. Provide reasonable use allowances to protect the basic fundamental attributes of land  
10 ownership and to prevent regulatory takings of property without due compensation.

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## 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.

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

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

## 10   **NATURAL ENVIRONMENT**

### 11   **Definition**

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

### 13   **Purpose**

14   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.

### 16   **Criteria for Designation**

- 17   1.     Areas where human influence and developments are minimal.
- 18   2.     Areas designated as “Natural Environment” should be free from development, or capable of being restored to natural condition.
- 19   3.     Areas designated as Natural Environment should be large enough to protect the value of the resource.
- 20   4.     An area utilized by wildlife (especially rare, diminishing or endangered species) that provides food, water, or cover and/or protection.
- 21   5.     A seasonal haven for concentration of native animals such as constricted migration routes.
- 22   6.     Areas representing the basic ecosystem and geologic types.

- 1 7. Ecotones, transition types, and other areas representing deviation from the basic  
2 ecological and geological norms but which are of value.
- 3 8. Areas which best represent undisturbed nature.
- 4 9. Areas which contain unique or scientifically important features which are especially  
5 amenable to manipulation, or which contain important rare and/or endangered species.
- 6 10. Areas which play an important part in maintaining the ecological balance of the region.
- 7 11. Areas rich in variety and/or quantity of life forms.
- 8 12. Areas important to the maintenance of the natural quality and flow of the water.
- 9 13. Wildlife habitat areas within populated areas, where people can view or become  
10 knowledgeable about wildlife.
- 11 14. Areas with histories of scientific research.
- 12 15. Those areas having a high scenic value in their natural state.

### **Environment Development Policies**

- 13 1. Those Natural Environment areas intolerant of human use and modification should remain  
14 free from all development. Burden of proof should be placed on the applicant proposing  
15 development to prove site intolerance or tolerance to development.
- 16 2. Beach access development should be for community or public purposes as long as such  
17 construction does not unduly alter the environment. Public beach access on bluffs larger  
18 than 10 feet in height and for new subdivisions may be allowed for community purposes  
19 only. Public beach access on banks lower than 10 feet in height may be allowed for single  
20 family residences by means of a low impact trail.
- 21 3. Provide for local legislation which evaluates all development potentials, allowing certain  
22 forms of shoreline-dependent and attractive uses and severely restricting those uses which  
23 destroy or substantially degrade the characteristics of a Natural Environment.
- 24 4. All land and water use activities which are permitted to locate within shoreline areas  
25 designated Natural Environment should be required to provide detailed environmental,  
26 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.

1 **Purpose**

2 The purpose of the Conservancy Environment is to protect, conserve, and manage: harvestable  
3 natural resources, as well as aesthetic, cultural, ecological, historic, and recreational areas in order  
4 to achieve a continuous flow of sustained yield resource utilization.

5 **Criteria for Designation**

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

19 **Environment Development Policies**

- 20 1. New development should be restricted to those which are compatible with the natural  
21 limitations of the land.
- 22 2. Where appropriate, publicly owned use areas and/or commercially oriented recreational  
23 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.

1 **RURAL ENVIRONMENT**

2 **Definition**

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

5 **Purpose**

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

8 **Criteria for Designation**

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

16 **Environment Development Policies**

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

26 **URBAN ENVIRONMENT**

27 **Definition**

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

1 **Purpose**

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

4 **Criteria for Designation**

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

8 **Environment Development Policies**

- 9 1. Because shorelines suitable for Urban uses are a limited resource, emphasis shall be given  
10 to development within already developed areas.
- 11 2. Priority should be given to “water-dependent and water-oriented” uses over other uses.  
12 Uses which derive no benefit from a water location should be discouraged.
- 13 3. Priority should be given to developing visual and pedestrian access to publicly owned  
14 shorelines and tidelands in the Urban Environment.
- 15 4. Where practical, link public access points with non-motorized transportation routes.
- 16 5. Redevelopment and renewal of substandard areas or obsolete developments should be  
17 encouraged in order to make maximum use of the shoreline resources.
- 18 6. Aesthetic considerations should be actively promoted by means such as sign control  
19 regulations, architectural standards, and planned unit developments.
- 20 7. No development should be allowed to significantly degrade the quality of the environment  
21 including water quality, air quality, or creation of excessive erosion or drainage problems.
- 22 8. Encourage open-space recreation activities within shoreline areas of high-intensity land  
23 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.

1 **SHORELINE RESIDENTIAL ENVIRONMENT**

2 **Definition**

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

7 **Purpose**

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

13 **Criteria for Designation**

- 14
- 15 1. Those shoreline areas having a higher density of housing than the Rural Environment.
  - 16 2. Areas which are tolerant of the physical modifications necessary to accommodate  
17 residences.
  - 18 3. Areas which are legally subdivided for residential use.
  - 19 4. Areas designated in the adopted plans of public agencies for expansion of residential areas.
  - 20 5. Areas most appropriately meeting the needs for residential development of the foreseeable  
21 future, giving consideration to the areas which can provide the necessary public services,  
22 utilities and access to accommodate residents.

23 **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.

1 **AQUATIC ENVIRONMENT**

2 **Definition**

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

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

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

- 12 1. The area supports a population of a protected species that not only consistently  
13 reproduces itself, but, because of favorable environmental conditions, provides a major  
14 source of recruitment for adjacent areas or regions whose populations do not consistently  
15 reproduce themselves.
- 16 2. The area consists of a habitat type or types that provide shelter, food, or other  
17 environmental necessities during a critical part of the protected species' life cycle.

18 **Purpose**

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

23 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 environment.

***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.

- 1 10. Projects or portions of projects that require few land-based facilities should be given  
2 preference over those that require extensive facilities. Projects that involve little or no  
3 substrate modification should be given preference over those that involve substantial  
4 modification.
- 5 11. Applicants are encouraged to participate in preapplication conferences with governmental  
6 agencies. Alternative sites and methods should be reviewed where possible.
- 7 12. The County should actively seek substantive comment from all appropriate federal, state,  
8 and local agencies, affected tribes, adjacent property owners, and the general public on any  
9 shoreline permit.
- 10 13. Consideration should be given to both the possible positive impacts and the possible  
11 detrimental impacts a development might have on the physical environment, on other  
12 existing and approved land and water uses, including navigation, and on the aesthetic  
13 qualities of the project area.
- 14 14. Applicable and reasonable Mitigative measures shall be applied as one of the conditions of  
15 approval on permits to control problems of noise, odor, visual impact, waste disposal, or  
16 any other adverse impacts or factors of incompatibility.
- 17 15. Overwater developments should utilize private commercial facilities for loading and  
18 offloading.
- 19 16. Use of floating piers and breakwaters on tidelands suitable for such construction should be  
20 encouraged for water borne commerce and pleasure craft.
- 21 17. Shallow draft uses, such as marinas, will be preferred over deep draft uses in areas  
22 requiring extensive maintenance dredging.
- 23 18. Anchorages and harbors of refuge may be allocated to provide protection and moorage  
space for watercraft.
- 19 19. Selected publicly owned (second class) tidelands which have not been withdrawn for  
20 governmental or aquacultural uses should be considered for recreational development.
- 21 20. Where the State owns the abutting uplands, priority will be given to joint development of  
22 the uplands and second class tidelands for public use.
- 23 21. Where possible, provide access to publicly owned first and second class tidelands.
- 22 22. Encourage the development of public clam or oyster use areas on public second class  
23 tidelands.
- 21 23. Give priority to those marine use activities which create the least environmental impact on  
22 tidelands.

- 1 24. Encourage cooperation between all State agencies, private persons, and corporations and  
2 public agencies responsible for implementing Shoreline Master Programs to insure a more  
3 compatible use of tidelands.
- 4 25. Those publicly owned bedlands abutting upland parks should be given consideration for  
5 underwater parks.
- 6 26. Motorized vehicular travel should be discouraged from use on private and public  
7 tidelands.
- 8 27. Aquaculture practices will be encouraged in those tidelands, waters and beds most suitable  
9 for such use.
- 10 28. Development of underwater pipelines and cables on first- and second-class tidelands will  
11 be discouraged except where adverse environmental impacts can be shown to be less than  
12 the impact of upland alternatives, and when permitted will include proper provisions to  
13 insure against substantial or irrevocable damage to the environment.
- 14 29. Structures and uses on Aquatic lands will be designed to provide for safe passage of  
15 migrating animals whose life cycle is dependent on such migration.
- 16 30. The use of floating breakwaters shall be encouraged as protective structures rather than  
17 using permanent earth and rock fills.
- 18 31. Beach material from tidelands and beds will generally not be used to backfill bulkheads  
19 and seawalls.
- 20 32. Filling operations on the shorelines of the state- and Aquatic-designated tidelands and beds  
21 must be accomplished in such a manner as not to create a substantial environmental  
22 impact.
- 23 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 at or seaward of the ordinary high water mark.

1 **Chapter III: General Policies**

2  
3 **POLICY STATEMENTS**

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

7 **A. Agricultural Uses**

- 8 1. Buffer zones of permanent vegetation should be encouraged between tilled areas  
9 and associated water bodies for retardation of surface runoff and reduction of  
10 siltation.
- 11 2. Livestock feeding operations in livestock confinement lots should not be allowed  
12 within 200 feet of the ordinary high water mark.
- 13 3. Soil erosion control measures such as crop rotation, mulching, strip cropping and  
14 contour cultivation should be encouraged on lands contiguous to any regulated  
15 natural water body within Island County.
- 16 4. The shoreline environment will be protected from significant, actual and potential  
17 adverse impacts of agricultural chemicals.

14 **B. Aquaculture.**

- 15 1. Recognition shall be given to the fact that this emerging economic use is still in  
16 experimental stages and deserves some latitude in development. This recognition in  
17 no manner or form alleviates responsibilities of aquacultural enterprises in  
18 maintaining and providing for pollution-free, aesthetically pleasing and undamaged  
19 shorelines.
- 20 2. Experimental aquaculture development should be limited in scale and should be  
21 approved for a limited period of time. Experimental aquaculture means an  
22 aquaculture project that uses methods or technologies which are unprecedented or  
23 unproven in the state of Washington.
- 24 3. The “Island County Regional Aquaculture Study” and other relevant sources of  
25 information may be utilized as a guide:
  - 26 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.

- 1           5.     Aquaculture districts shall only be established in specific areas that meet all of the  
2           following suitability criteria:
- 3           a.     The area has been demonstrated to have a reasonably high potential for the  
4           type(s) of aquaculture to be allowed.
- 5           b.     The area does not have a proven major long-term water quality problem  
6           that makes the area unsuitable for the type(s) of aquaculture to be allowed.
- 7           c.     In areas where the design or placement of the facilities would not  
8           substantially degrade the aesthetic qualities of the shoreline.
- 9           d.     The specific area is not commonly used for other aquatic or upland  
10           environment uses with which the allowed type(s) of aquaculture would  
11           substantially and materially conflict. Some aquaculture methods may be  
12           incompatible adjacent to the Shoreline Residential environment and, as a  
13           result, will be discouraged.
- 14           e.     The navigational access of upland owners, recreational boaters, and  
15           commercial traffic will not be significantly restricted.
- 16           f.     Aquacultural use of the entire district or tideland area will not result in any  
17           significant adverse environmental impacts that cannot be adequately  
18           mitigated through conditions of approval.
- 19           6.     Reasonable effort shall be made to designate each aquaculture district for as many  
20           types of aquaculture as possible and to identify the maximum extent of such  
21           districts at the time they are established.
- 22           7.     Reasonable effort shall be made to accommodate within each aquaculture district,  
23           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.

- 1           10.    Island County shall not approve any similar new aquaculture projects for  
2           applicants that have not made almost full use of their existing aquaculture area(s)  
3           in the same district.
- 4           11.    Island County shall not approve aquaculture projects or portions of such projects  
5           that cannot reasonably be developed by the applicant within five (5) years.
- 6           12.    Aquatic areas, and in particular aquaculture districts, should be protected from  
7           water quality degradation that may be caused by any marine or upland project. In  
8           instances where such degradation is anticipated, mitigative measures that protect  
9           the aquaculture district will be part of the approval of the marine or upland project.
- 10          13.    Baseline and periodic operational monitoring of specific relevant environmental  
11          conditions shall be required, as necessary, at the applicant's expense, as a condition  
12          of approval. Permits should include provisions for adjustment or termination of the  
13          project at any time if the monitoring indicates significant adverse environmental  
14          impacts that cannot be eliminated or adequately mitigated.
- 15          14.    Aquaculture developments should not be allowed in areas with any proven major  
16          long-term water quality problems that make the area unsuitable for the proposed  
17          type(s) of aquaculture, until such problems are resolved. Aquaculture  
18          developments shall comply with minimum State Department of Health conditions  
19          and requirements to implement this policy.
- 20          15.    New aquaculture districts may be established by the Island County Board of  
21          Commissioners through amendment to the Island County Shoreline Management  
22          Master Program, in accordance with RCW 90.58.100 and RCW 90.58.120, upon  
23          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.

- 1           20.    No new aquacultural district or expansion of existing aquacultural districts can be  
2           established without adequate SEPA environmental review, public input,  
3           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.

4    **C.    Forest Management Practices**

- 5           1.    Seeding, mulching, matting, and replanting should be accomplished where  
6           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.
- 7           2.    Logging and thinning operations within 200 feet of the mean high water mark on  
8           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.
- 9           3.    Shoreline areas having scenic qualities such as those providing a diversity of views,  
10          unique landscape contrasts or landscape panoramas should be maintained as scenic  
            views in timber harvesting areas.
- 11          4.    Logging should be avoided in shorelines with slopes of such grade that large  
12          sediment runoff will be precipitated unless adequate restoration and erosion  
            control can be expeditiously accomplished.
- 13          5.    Logging within Island County's shorelines should be conducted in a manner to  
14          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.
- 15          6.    Proper road and bridge design, location, construction and maintenance practices  
16          should be used to prevent development of roads and structures that would  
            adversely affect shoreline resources.
- 17          7.    All logging operations shall be designed to protect the adjacent shorelands against  
18          erosion, uncontrolled drainage, slides, pollution, excavations and fills and other  
            factors detrimental to the environment.
- 19          8.    Within shorelines of statewide significance, and with respect to timber situated  
20          within 200 feet abutting landward of the ordinary high water mark, local  
21          governments shall allow only selective commercial timber cutting so that no more  
22          than 30 percent of the merchantable trees may be harvested in any ten year period  
23          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.

1     **D.     Commercial Development**

- 2             1.     New commercial development on shorelines generally will be encouraged to locate  
3                     in those areas where current commercial uses exist.
- 4             2.     Parking facilities will be placed inland from immediate waters edge and  
5                     recreational beaches.
- 6             3.     An assessment should be made of the effect that a commercial structure will have  
7                     on a scenic view significant to a given area.
- 8             4.     Although many commercial developments benefit by a shoreline location, only  
9                     those that are water-oriented will be permitted within shoreline jurisdiction.

10    **E.     Marinas**

- 11            1.     Marinas are to be located and designed in a manner that will ensure the safety of  
12                    fish and shellfish resources.
- 13            2.     Programs to identify locations near high use or potentially high use areas for the  
14                    construction of marinas, will be accomplished in the Master Program. Local as  
15                    well as regional “need” data should be considered as input in location selection.
- 16            3.     Special attention shall be given to the design and development of operational  
17                    procedures for the handling and storage of fuel in order to minimize accidental  
18                    spillage and provide satisfactory means for handling those spills that do occur.
- 19            4.     Shallow water embayments with poor flushing action should not be considered for  
20                    overnight and long-term moorage facilities.
- 21            5.     The Washington State Department of Fisheries guidelines will be used in any and  
22                    all construction of marinas.
- 23            6.     State and local health regulations must be observed in the construction of marinas.

24    **F.     Mining**

- 25            1.     Excavation and/or removal of sand from beach areas within the primary and  
26                    secondary dunes will be prohibited.
- 27            2.     Outside of primary and secondary dune areas excavation for the production of  
28                    sand, gravel and minerals will be accomplished in conformance with the  
29                    Washington State Surface Mining Act.
- 30            3.     When rock, sand, gravel and minerals are removed from shoreline areas, adequate  
31                    protection against sediment and silt production will be provided by existing  
32                    operator.

- 1 4. Mining of sand, gravel, cobbles and other minerals within marine and lake beaches,  
2 in areas located seaward of the ordinary high water mark or within shoreline  
3 associated wetlands shall be prohibited. Maintenance of existing uses that require  
4 removal of sand, i.e. boat ramps is not considered a mining operation.
- 5 5. Mining activities should be encouraged to locate outside the shoreline jurisdiction.
- 6 6. Mining activities should allow the natural shoreline systems to continue to function  
7 with a minimum of disruption during their operations and should return the site to  
8 as near natural a state as possible upon completion.
- 9 7. Mining should not be allowed in unique and fragile areas.

10 **G. Outdoor Advertising, Signs and Billboards**

- 11 1. Off-premise outdoor advertising signs will be limited to areas of high-intensity land  
12 use such as commercial and industrial areas.
- 13 2. Vistas and viewpoints will not be degraded and visual access to the water from  
14 such vistas should not be impaired by the placement of signs. Only those signs  
15 which impart historical or directional information of limited size and height will be  
16 allowed.
- 17 3. When feasible, signs should be constructed against existing buildings to minimize  
18 visual obstructions of the shoreline and water bodies.

19 **H. Residential Development**

- 20 1. Subdivisions should be designed at a level of density of site coverage and of  
21 occupancy compatible with the physical capabilities of the shoreline and water.
- 22 2. Subdivisions should be designed so as to adequately protect the water and  
23 shoreline within the subdivision and adjacent areas.
- 24 3. Subdividers should be encouraged to provide public pedestrian access to the  
25 shoreline within the subdivision.
- 26 4. Residential development over water should be prohibited.
- 27 5. Floating homes, houseboats and liveaboard vessels should be located approved  
28 marinas, where they must meet all local waste disposal practices, local and state  
29 health regulations, and not be allowed to locate over productive fish food areas.
- 30 6. Residential developers will be required to indicate how they plan to preserve shore  
31 vegetation and control erosion during construction.

- 1           7.       Sewage disposal facilities as well as water supply facilities must be provided in  
2           accordance with appropriate state and local health regulations. Storm drainage  
3           facilities will be separate, not combined with sewage disposal systems.
- 4           8.       Adequate water supplies should be available so that the ground water quality will  
5           not be endangered by overpumping.
- 6           9.       Accessory structures such as decks and stairways should be carefully designed to  
7           avoid geologically hazardous areas and permitted only where compatible with the  
8           natural environment of the shoreline.
- 9           10.      All shoreline residential development, including subdivisions, should be designed in  
10          a manner to avoid the need for bulkheads or other types of shore defense works.
- 11          11.      Natural vegetation should be retained to the extent feasible, except for removal  
12          necessary for view enhancement, removal of hazardous, diseased or damaged trees  
13          and to allow for pedestrian waterfront access. The following factors should be  
14          considered when removal of vegetation is proposed:
  - 15           a)       View corridors and vistas should be incorporated into building and site  
16           design.
  - 17           b)       Encourage building and site designs which frame views and vistas.
  - 18           c)       Encourage trees to be a part of the view. Panoramic views are not  
19           necessarily void of trees.
  - 20           d)       Encourage thinning and limited pruning of trees to preserve existing views  
21           as an alternative to removal.

22       **I.     Utilities**

- 23           1.       Whenever these facilities must be placed in a shoreline area, the location should be  
24           chosen so as not to obstruct or destroy scenic views. Whenever feasible, these  
25           facilities should be placed underground or designed to do minimal damage to the  
26           aesthetic qualities of the shoreline area.
- 27           2.       Upon completion of installation/maintenance projects on shorelines, the affected  
28           areas should be restored to pre-project configuration, replanted with native species  
29           and maintenance care provided until the newly planted vegetation is established.
- 30           3.       Utilities should be designed and located to meet the needs of future populations in  
31           areas planned to accommodate this growth.
- 32           4.       Land transportation and utility corridors serving water-dependent industry shall  
33           locate upland to reduce pressures for the use of waterfront sites.

- 1           5.       Sewage treatment, water reclamation, desalinization and power plants should be  
2           located where they do not interfere with and are compatible with recreational,  
3           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.

4       **J.       Water-Dependent Industry**

- 5           1.       Water-dependent industries which require frontage on navigable water should be  
            given priority over other industrial uses.
- 6           2.       Waterfront industrial areas should be designed to allow cooperative use of  
            docking, parking, cargo handling and storage facilities.

7       **K.       Shoreline Stabilization**

- 8           1.       Bulkheads
- 9                   a) Bulkheads and seawalls should be located and constructed in such a manner which  
10                  will not result in adverse effects in nearby beaches and will minimize alterations of  
                   the natural shoreline.
- 11                  b) Bulkheads and seawalls should be constructed in such a way as to minimize  
12                  damage of fish habitats. Open-piling construction is preferable in lieu of the solid  
                   type.
- 13                  c) Bulkheads and seawalls should be designed to blend in with the surroundings and  
                   not to detract from the aesthetic qualities of the shorelines.
- 14                  d) The construction of bulkheads should be permitted only where they provide  
15                  protection to upland areas, or existing facilities, and are not for the indirect  
                   purpose of creating land by filling behind the bulkhead.
- 16                  e) The construction of bulkheads should adhere to provisions set forth in the  
17                  Washington State Department of Fish and Wildlife guidelines concerning the  
                   construction of bulkheads.
- 18                  f) Promote non-structural shore defense works, beach enhancement/restoration and  
19                  other measures as incentives to restore degraded shore environments and as an  
20                  incentive for not using bulkheads or other “armored” shore defense works. Non-  
                   structural alternatives may include:
- 21                           • Increased setbacks
- 22                           • Drift logs
- 23                           • 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.

- 1 e) Shore protection measures shall be designed and constructed so as to minimize  
2 interruption to naturally occurring shoreline processes, including marine and  
3 wildlife habitats and fish movements.
- 3 f) Shoreline protection measures such as bulkheads, dikes, jetties or groins shall not  
4 be permitted on spits, hooks, bars, barrier beaches or similar accretion shoreforms;  
5 except when it can be demonstrated that construction of the above shore  
6 protection measures are necessary for the protection of existing structures..
- 5 g) Shore protection measures shall not be permitted on marine feeder bluffs,; except  
6 when it can be demonstrated by a professional engineer or geologist that  
7 construction will not seriously disrupt the upland feeding action or the littoral drift  
8 or is necessary for the protection of existing structures.

8 **L. Landfill**

- 9 1. Sanitary landfills and the disposal of solid waste should be prohibited within the  
10 shoreline jurisdiction.
- 10 2. Shoreline fills or cuts should be designed and located so that significant damage to  
11 existing ecological values or natural resources or alteration of local currents will  
12 not occur, resulting in the creation of a hazard to adjacent property, life, and  
13 natural resource systems.
- 13 3. Fill materials should be of such quality that they will not cause undue degradation  
14 of water quality.
- 14 4. Priority should be given to landfills for water-dependent uses and for public uses.  
15 In evaluating fill projects and in designating areas appropriate for fill, such factors  
16 as total water surface reduction, navigation restriction, impediment to water flow  
17 and circulation, reduction of water quality, and destruction of habitat should be  
18 considered.
- 17 5. Filling in flood plain areas shall not be allowed if reduction of flood water storage  
19 capacity might endanger other areas.
- 18 6. Where permitted, landfills should be the minimum necessary to provide for the  
19 proposed use and should be permitted only when tied to a specific development  
20 proposal that is permitted by this master program.

20 **M. Solid Waste Disposal**

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

1     **N.     Dredging**

- 2           1.     Dredging of bottom materials for the single purpose of obtaining fill should be  
3                   prohibited.
- 4           2.     Control dredging to minimize damage to existing ecological values and natural  
5                   resources of both the area to be dredged and the area for deposit of dredged  
6                   materials.
- 7           3.     Dredging operations shall be subject to provisions of the Hydraulics Project  
8                   Approval Law, RCW 75.20.100 (requiring all persons, corporations, and  
9                   governmental entities to obtain approval from the Director of the Department of  
10                  Fish and Wildlife before doing any work in surface waters of the state).
- 11          4.     Shoreline vegetation which is disturbed by dredging projects shall be replanted and  
12                  restored to pre-project configuration.
- 13          5.     Dredging operations should minimize interference with navigation and adverse  
14                  impacts to other shoreline uses, properties and values.

15     **O.     Road and Railroad Design and Construction**

- 16           1.     Design and construction of railroads and public roads should be consistent with  
17                  land use planning, preserve aesthetic qualities of shorelands and take into  
18                  consideration all features which will affect the environment and future growth of  
19                  the shorelands.
- 20                  a.     Encourage location of roads and railroads away from shorelands where  
21                          feasible.
- 22                  b.     All construction shall be designed to protect the adjacent shorelands  
23                          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.

1 **P. Piers**

- 2 1. Mooring buoys shall be preferred over docks and piers on all marine shorelines  
3 except in the cases of port, commercial, or industrial development in the Urban  
4 Environment or residential shoreline communities designed for private docks on  
5 man-made waterways.
- 6 2. Multiple use and expansion of existing facilities are preferred over construction of  
7 new individual docks and piers except for those residential communities designed  
8 for private docks (i.e. Mariner’s Cove, Lagoon Point, Sandy Hook).
- 9 3. The use of floating docks should be required in those areas where scenic values are  
10 high and where conflicts with recreational boaters and fishermen will not be  
11 created.
- 12 4. Priority should be given to the use of community piers and docks in all new major  
13 waterfront residential developments. In general, encouragement should be given to  
14 the cooperative use of piers and docks.
- 15 5. In providing for facilities in the Master Program, local governments should  
16 consider the capacity of the shoreline sites to absorb the impact of waste  
17 discharges from boats, including gas and oil spillage.

18 **Q. Pipelines and Petroleum Operations**

- 19 1. The design, construction, operation and maintenance of pipelines carrying  
20 hazardous materials and petroleum products in liquid form must conform to all  
21 regulations established by the United States Department of Transportation.
- 22 2. In order to prevent spills and other forms of pollution, owners and operators of  
23 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

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### 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.

- 1 c. Ensure that where commercial timber cutting is allowed, as provided in  
2 RCW 90.58.150, reforestation will be possible and accomplished as soon  
as practical.

3 **3. *Result in Long-Term Over Short-Term Benefit.***

*Development Guidelines:*

- 4 a. Leave undeveloped those areas which contain a unique or fragile resource.  
5 b. Prevent erosion and sedimentation that would alter the natural function of  
6 the water system. In areas where erosion and sediment control practices  
will not be effective, excavations or other activities which increase erosion  
7 are to be severely limited.  
8 c. Restrict or prohibit public access onto areas which cannot be maintained in  
a natural condition under human uses.

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

*Development Guidelines:*

- 10 a. Give priority to developing paths and trails to shoreline areas, linear access  
11 along the shorelines and to developing upland parking.  
12 b. Locate development inland from the ordinary high water mark so that  
access is enhanced.

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

*Development Guidelines:*

- 14 a. Plan for and encourage development of facilities for recreational use of the  
15 shorelines.  
16 b. Reserve areas for lodging and related facilities on uplands well away from  
17 the shorelines with provisions for non-motorized access to the shorelines.  
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**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

1 **16.21.010 Purpose**

2 The purpose of this chapter is to set forth the special procedures for regulating uses and activities  
3 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.

4 **16.21.020 Shoreline Master Program**

5 Island County’s Shoreline Master Program (SMP) adopted pursuant to Chapter 90.58 RCW shall  
6 consist of the following:

- 6 A. The goals and policies contained in the shoreline management element of the County’s  
7 GMA Comprehensive plan; and
- 8 B. The shoreline regulations contained in Chapter 17.05 ICC.

8 **16.21.030 Shoreline Permits, When Granted**

9 A. A shoreline permit shall be granted only the proposed development is consistent with:

- 10 1. The policies and provisions of the SMA;
- 11 2. Washington Administrative Code (WAC) guidelines and regulations of the Department  
of Ecology implementing the SMA; and
- 12 3. The policies and provisions of the adopted Island County Shoreline Management  
Master Program (SMP).

13 B. Exemption from shoreline permit requirements does not constitute exemption from the  
14 policies of the SMA and the SMP, and other applicable local, state, or federal permit or  
15 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 SMMP,  
and other applicable local state, or federal permit or other requirements.

16 **16.21.040 Shoreline Permit Applications**

17 Any person desiring to undertake substantial development on shorelines of the state located within  
18 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  
19 as is required by state and local rules and regulations adopted pursuant to the SMA.

20 **16.21.050 Review Process and Approving Authority**

21 A. Planning Director Determinations. Determinations of the Planning Director regarding  
applicability of the SMP, exemptions and application requirements shall be processed as  
22 Type I decisions pursuant to Chapter 16.19 ICC.

23 B. Substantial Development Permits, Conditional Uses and Variances. Unless the underlying  
approval is classified Type III decision, all Substantial Development Permit, Conditional Use

1 and Variance decisions shall be processed as a Type II decision pursuant to Chapter 16.19  
2 ICC.

- 3
- 4 C. Shoreline Master Program Amendment. All amendments to the County’s Shoreline Master  
5 Program shall be processed as a Type IV decision pursuant to Chapter 16.19 ICC.

6 **16.21.060 Shoreline Maps**

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

9 **16.21.070 Notice of Approval or Denial**

10 The Planning Department shall notify the following persons in writing of the final approval or  
11 denial of a shoreline permit as required by law:

- 12 A. The applicant;
- 13 B. The Washington State Department of Ecology;
- 14 C. All “parties of record” for each decision as defined in Chapter 16.19, ICC and any person  
15 who has written the planning department requesting such notice; and
- 16 D. Any affected Indian Tribe.

17 **16.21.080 When Substantial Development May Commence**

18 Construction pursuant to a shoreline permit shall not begin or be authorized until thirty (30) days  
19 from the date the final order granting the permit was filed with the Washington State Department  
20 of Ecology pursuant to RCW 90.58.140(6), or until all review proceedings are terminated if such  
21 proceedings were initiated within thirty (30) days from the date of such filing, except as provided  
22 in RCW 90.58.140(5), (b) and (c). Issuance of a shoreline permit shall in no way be construed as  
23 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

1 required under this Chapter shall be subject to the penalties and enforcement provisions of  
2 Section 17.03.260 ICC except the civil penalty for violation shall be as set forth in RCW  
3 90.58.210. In addition, Island County and/or the Department of Ecology shall have the authority  
4 to take enforcement action pursuant to RCW 90.58.210-220, and .230, and Chapter 173-27  
5 WAC.

6 **16.21.110 Fees**

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

9 **16.21.120 Severability**

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

13 **16.21.130 Effective Date**

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

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5 **CHAPTER 17.05**

6 **SHORELINE USE REGULATIONS**

7 **To replace existing Chapter 16.21 (Uncodified Use Regulations)**

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

1 **17.05.010 TITLE.** Island County Shoreline Management Master Program Use Regulations.

2 **17.05.020 SHORT TITLE.** This Ordinance may be referred to as the Island County “Shoreline  
3 Master Program,” “Master Program,” or “SMP.”

4 **17.05.030 PURPOSE.** The purposes of this Ordinance are:

- 5 A. To carry out the responsibilities imposed on Island County by Chapter 90.58 RCW, the  
6 Shoreline Management Act of 1971 as now or hereafter amended; and
- 7 B. To provide for wise and proper management of shorelines, wetlands and water bodies in a  
8 manner that will allow present and future generations of users the opportunity to enjoy  
9 marine oriented resources, consistent with the goals, policies and stated purposes of Island  
10 County’s Master Program; and further
- 11 C. It is the expressed and implied intent of this Ordinance to fully protect and enhance to the  
12 maximum extent possible the natural shoreline systems and critical areas while at the same  
13 time protecting the rights of the private property owners for the timely and reasonable use  
14 and enjoyment of their properties not inconsistent with the protection of the natural systems.

15 **17.05.040 DEFINITIONS.** Words used in this Ordinance, unless the context clearly otherwise  
16 implies, shall assume the definitions contained in Chapter 90.58 RCW as now or hereafter  
17 amended, and such guidelines as have been, or may be adopted pursuant to Chapter 90.58 RCW.  
18 In general, the word “shall” is mandatory; the word “may” is permissive. When not consistent  
19 with the context, words used in the present tense shall include the future, the singular shall include  
20 the plural, and the plural the singular.

- 21 A. **Accessory Structure:** A structure or building customarily considered to be incidental to or  
22 secondary to a permitted use or an approved conditional use on the property or on adjacent  
23 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.

- 1 E. **Aquaculture:** The culture or farming of finfish, shellfish, or other aquatic plants and  
2 animals, and for the purpose of this Master Program it includes commercial clam and  
geoduck harvesting.
- 3 F. **Archaeology:** The systematic, scientific study of man's past through his material remains.
- 4 G. **Avoidance:** Keeping away from.
- 5 H. **Beach Enhancement/Restoration:** Process of restoring a beach to a state more closely  
6 resembling a natural beach using beach feeding, vegetation, drift sills, and other non-  
intrusive means, as applicable.
- 7 I. **Beach Feeding:** Process of replenishing a beach by delivery of materials dredged or  
excavated elsewhere.
- 8 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.
- 9 K. **Board:** Board of Island County Commissioners.
- 10 L. **Boat Launch or Ramp:** Graded slopes, slabs, pads planks, or rails used for launching boats  
11 by means of a trailer, hand, or mechanical device.
- 12 M. **Breakwater:** Protective structures which are normally built offshore to protect beaches,  
bluffs, dunes, or harbor areas from wave action.
- 13 N. **Bulkhead:** Structures erected parallel to and near the high water mark for the purpose of  
14 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  
15 solid or open piling construction.
- 16 O. **Clearing:** Clearing means the cutting and removal of vegetation by mechanical or chemical  
methods.
- 17 P. **Conditional Uses:** A use, development, or substantial development which is classified as a  
18 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  
19 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.
- 20 Q. **Dock:** A structure which abuts the shoreline and is generally used as a landing or moorage  
place for commercial and pleasure craft.
- 21 R. **Dredging:** The removal of earth from the bottom of a stream, river, lake, bay, or other  
22 water body for the purpose of deepening a navigational channel or to obtain use of the  
bottom materials for landfill.
- 23

- 1 S. **Driftway:** That portion of the shore process corridor, primarily the lower backshore and the  
2 upper intertidal area, through which sand and gravel are transported by the littoral drift  
3 process. It is the critical link between the feeder bluff and the accretion shoreform.
- 4 T. **Dune:** A hill or ridge of sand deposited by wind or wave action.
- 5 U. **Extreme Low Tide:** The lowest line on the tidelands reached by a receding tide.
- 6 V. **Feeder bluff:** Any shoreline land mass which is subject to periodic erosion from waves, or  
7 sliding and slumping, and from which the eroded sand/gravel is naturally transported via a  
8 driftway to an accretion shoreform. These natural sources of beach material are both limited  
9 and vital to the long term stability of accretion shoreforms.
- 10 W. **Floodplain:** An area subject to periodic inundation due to surface water runoff or  
11 exceptionally high tides, or a combination of the two.
- 12 X. **Forest Practice:** Any activity conducted on or directly related to forest land and relating to  
13 growing, harvesting, or processing timber. These activities include but are not limited to:  
14 road and trail construction, final and intermediate harvesting, pre commercial thinning,  
15 reforestation, fertilization, prevention and suppression of disease and insects, salvage of  
16 trees, and brush control. See WAC 222-16-010.
- 17 Y. **Gabions:** Structures composed of masses of rocks, rubble or masonry held tightly together,  
18 usually by wire mesh, so as to form blocks or walls. Sometimes used on heavy erosion areas  
19 to retard wave action or as foundations for breakwaters or jetties.
- 20 Z. **Geologically Hazardous Areas:** Those areas that because of their susceptibility to erosion,  
21 sliding, or other geologic events, are generally not suited to the siting of commercial,  
22 residential, or industrial development consistent with public health or safety concerns,  
23 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.

1 EE. **Landward:** To or toward the land.

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

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

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

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

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

20 KK. **Permitted Uses:** Uses which are allowed within the applicable shoreline environment,  
21 provided that they must meet the policies, use requirements, and regulations of this chapter  
22 17.05 and any other applicable regulations of the county or state.

23 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.

1 PP. **Riprap:** A layer, facing, or protecting mound of stones placed to prevent erosion, scour,  
or sloughing of a structure or embankment.

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

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

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

- 5 1. shorelines of statewide significance;
- 6 2. shorelines on segments of streams upstream of a point where the mean annual flow is  
7 20 cubic feet per second or less, and the wetlands associated with such upstream  
8 segments; and
- 9 3. shorelines on lakes less than 20 acres in size and wetlands associated with such small  
lakes.

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

11 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;  
12 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  
13 overlying lands subject to Chapter 90-58 RCW at any stage of water level (RCW 90.58.030;  
WAC 173-27-030).

14 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  
15 regulations within distinctively different shoreline areas. [WAC 173-16-0060(4)]

16 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  
17 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  
18 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-  
19 030(10). Also such areas within a specified local government's authority. See definition of  
"shorelines" and "shorelines of statewide significance."

20 XX. **Shoreline Master Program (SMP):** The Island County Shoreline Master Program, being  
21 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  
22 in RCW 90.58.020, be approved and adopted by the state, and be consistent with the rules  
(WACs) adopted by Ecology.

1 **YY. Shorelines of Statewide Significance:** Means the following shorelines:

- 2 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
- 3 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.

4 **ZZ. Shoreline Substantial Development Permit Exemption:** Certain developments that meet  
5 the precise terms of listed exemptions are granted exemption from the requirements of the  
6 substantial development permit process of the Shoreline Management Act (SMA). An  
7 activity that is exempt from the substantial development provisions of the SMA must still be  
8 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.)

9 **AAA. Spit:** An accretion shoreform which extends seaward from and parallel to the shoreline.  
10 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  
11 a hook.

12 **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.

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

14 **DDD. Substantial Development:** Any development of which the total cost, or fair market value,  
15 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  
16 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  
17 Code shall not be considered substantial developments.

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

19 **FFF. Tombolo:** A causeway-like accretion spit which connects an offshore rock or island with the  
20 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  
21 sector it has divided.

22 **GGG. Transportation Facility:** Transportation facilities include roads, trails, airports, barge  
landings, County docks, floatplane facilities, ferries and related terminals, and parking areas.

1 HHH. **Tribe:** Any Indian tribe, band, nation or other organized group or community formally  
2 recognized by the federal government.

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

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

21 KKK. **Water-Oriented Uses:** Refers to any combination of water-dependent, water-  
22 related, and/or water-enjoyment uses and serves as an all encompassing definition for  
23 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.

1 **MMM. Wetland:** An area that is inundated or saturated by surface water or groundwater at a  
2 frequency and duration sufficient to support, and that under normal circumstances does  
3 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.  
4 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.

5 **17.05.050 APPLICABILITY**

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

9 **B. Applicability to Federal Agencies:**

- 10 1. The policies and provisions of Chapter 90.58 RCW and this master program shall  
11 be applied to federal lands and agencies in a manner consistent with WAC 173-27-  
12 0060 (1) and (3).
- 13 2. The requirements of this Ordinance shall apply to nonfederal activities undertaken  
14 on lands subject to nonfederal lease or easement, even though such lands may be  
under Federal ownership.
- 15 3. The Shoreline Permit system shall apply to substantial developments undertaken on  
16 lands not federally owned but under lease, easement, license, or other similar  
17 Federal property rights short of fee ownership, to the Federal government.

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

22 **D. Applicability to Development:** This Master Program applies to all “shoreline  
23 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.

1 **17.05.060 EXEMPTIONS FROM SUBSTANTIAL DEVELOPMENT PERMIT**  
2 **REQUIREMENTS**

- 3 A. Exemptions shall be construed in accordance with WAC 173-27-040(1)(a). A use  
4 classified as a conditional use or a use not named or contemplated is allowed only as a  
5 conditional use and is ineligible for shoreline permit exemption.
- 6 B. The following, as defined in WAC 173-27-040, are not considered to be substantial  
7 developments:
- 8 1. Any development of which the total cost or fair market value, whichever is higher,  
9 does not exceed the maximum exempt amount allowed by state law, WAC 173-27-  
10 040(2)(a), if such development does not materially interfere with the normal public  
11 use of the water or shorelines of the state. The total cost or fair market value of  
12 the development shall include the fair market value of any donated, contributed or  
13 found labor, equipment, or materials.
  - 14 2. Normal maintenance or repair of existing structures or developments, including  
15 damage by fire, accident, or the elements, subject to WAC 173-27-040(2)(b).
  - 16 3. Construction of the normal protective bulkhead common to single-family  
17 residences subject to WAC 173-27-040(2)(c) provided that the provisions of  
18 17.05.240(B)(4)(j) are met.
  - 19 4. Emergency construction necessary to protect property from damage by the  
20 elements, in accordance with WAC 173-27-040(2)(d).
  - 21 5. Construction and practices normal or necessary for farming, irrigation, and  
22 ranching activities, including agricultural service roads and utilities on shorelands,  
23 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

1 SMP, and which meets all requirements of the Act and this SMP, as specified in  
2 WAC 173-27-040(2)(g).

3 8. Construction of a dock, including a community dock, designed for pleasure craft  
4 only, for the private, non-commercial use of the owners, lessee, or contract  
5 purchaser of single- and multiple-family residences, as specified in WAC 173-27-  
6 040(2)(h). This exception applies if either:

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

9 b) In fresh waters, the fair market value of the dock does not exceed Ten  
10 Thousand Dollars (\$10,000.00), but if subsequent construction having a  
11 fair market value exceeding Two Thousand Five Hundred Dollars  
12 (\$2,500.00) occurs within five years of completion of the prior  
13 construction, the subsequent construction shall be considered a substantial  
14 development for the purpose of this Chapter.

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

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

23 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;

- 1           d)     A private entity seeking development authorization under this section first  
2                 posts a performance bond or provides other evidence of financial  
3                 responsibility to the County to ensure that the site is restored to pre-  
4                 existing condition; and
- 5           e)     The activity is not subject to the permit requirements of RCW 90.58.550.  
6                 WAC 173-27-040(2)(m).
- 7     13.     The process of removing or controlling an aquatic noxious weed, as defined in  
8             state law, through the use of an herbicide or other treatment methods applicable to  
9             week control that are recommended by a final environmental impact statement  
10            published by the U.S. Department of Agriculture or the department jointly with  
11            other state agencies under RCW 43.21C WAC 173-27-040(2)(n).
- 12     14.     Watershed restoration projects as defined in RCW 90.58, in accordance with WAC  
13             173-27-040(2)(o).
- 14     15.     A public or private project that is designed to improve fish or wildlife habitat or  
15             fish passage, as provided in WAC 173-27-040(2)(p), when all of the following  
16             apply:
- 17            a)     The project has been approved by the Washington Department of Fish and  
18                 Wildlife (WDFW);
- 19            b)     The project has received hydraulic project approval by the WDFW  
20                 pursuant to 75.20 RCW; and
- 21            c)     The County has determined that the project is substantially consistent with  
22                 this master program.
- 23     16.     Hazardous substance remedial actions, as specified in WAC 173-27-040(3).
- 24     C.     Exemptions from Substantial Development Permit Requirements – Residential  
25             Appurtenances: Normal appurtenances to a single-family residence are included in the  
26             permit exemption provided in 17.05.060(B)(7). “Normal appurtenances” include a garage;  
27             deck; driveway; utilities; fences; installation of a septic tank and drainfield; and grading  
28             which does not exceed two hundred fifty cubic yards and which does not involve  
29             placement of fill in any wetland or waterward of the ordinary high water mark. Normal  
30             appurtenances to a single-family residence also include:
- 31            1.     Beach access structures (i.e., stairways and tramways) and gazebos and sheds may  
32                 be exempt from the requirements of a shoreline substantial development permit  
33                 only in compliance with Section 17.05.200 of this Chapter.
- 34            2.     Landfill, in a total amount not to exceed 250 cubic yards, to be allowed during the  
35                 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.

4. Solar arrays.

**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**

**17.05.070 SHORELINE USE CLASSIFICATION TABLE**

SHORELINE USES	SHORELINE ENVIRONMENTS						
	AQUATIC	NATURAL	CONSERVANCY	RURAL	SHORELINE RESIDENTIAL	URBAN	<i>[Also, See Zoning 17.03 ICC and Critical Areas Ordinance, 17.02, ICC]</i>
	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	<i>Shoreline Use Regulations</i>
<b>Residential Uses:</b>							
Single-family (and normal appurtenances)	X	C	P	P	P	P	See 17.05.200
Accessory Dwelling Units (e.g., guest houses)	X	C	C	P	P	P	See 17.05.200
Mobile home parks	N/A	X	X	X	X	P	See 17.05.200
Multi-family	X	X	X	X	P	P	See 17.05.200
Land subdivision	N/A	C	P	P	P	P	See 17.05.200 & 16.06
<b>Boating &amp; Related Facilities:</b>							
Boat Launches	C	C(5)	C(5)	P	P	P	See 17.05.140
Private Docks	C	C	P	P	P	P	See 17.05.140
Public Docks	C	C	P	P	P	P	See 17.05.140
Floatplane bases	C	X	X	P	P	P	See 17.05.170
Marinas	C	X	X	C	C	P	See 17.05.170
Private Piers	C	C	P	P	P	P	See 17.05.140
Public Piers	C	C	P	P	P	P	See 17.05.140
<b>Resource Management and Extraction:</b>							
Agriculture	N/A	P	P	P	P	X	See 17.05.100 & 16.25
On-land aquaculture accessory activities, structures, processing, etc.	N/A	X	C	C	X	C	See 17.05.110
Aquaculture, within districts	C	NA	NA	NA	NA	NA	See 17.05.110

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	AQUATIC	NATURAL	CONSERVANCY	RURAL	SHORELINE RESIDENTIAL	URBAN	<i>[Also, See Zoning 17.03 ICC and Critical Areas Ordinance, 17.02, ICC]</i>
	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	<i>Shoreline Use Regulations</i>
Aquaculture, outside of districts including mechanical or hydraulic harvest of shellfish	C	NA	NA	N/A	N/A	N/A	See 17.05.110
Forest Practices	N/A	C(4)	P(4)	P	P	P	See 17.05.160 & 16.25
Mining	X	C	C	C	X	X	See 17.05.180
<b>Transportation Facilities:</b>							
Non-Vista Parking Lots	N/A	X	X	P	P	P	See 17.05.230
Railroads	N/A	X	X	X	X	C	See 17.05.230
Ferry Terminals	C	X	C	C	C	P	
Vehicular routes & facilities	N/A	C(6)	C(6)	C	C	P	See 17.05.230
<b>Recreational Uses:</b>							
Campgrounds, Scenic overlooks & RV Parks (i.e., private)	N/A	X	X	C	X	P	See 17.05.190
Natural Preserves/Parks	N/A	P	P	P	P	P	See 17.05.190
Nonvehicular trails & paths	N/A	P	P	P	P	P	See 17.05.190
Passive recreation	P	P	P	P	P	P	See 17.05.190
Public parks	C	C	P	P	P	P	See 17.05.190
Scientific, educational, historic, or archaeological uses	P	P	P	P	P	P	See 17.05.120

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	AQUATIC	NATURAL	CONSERVANCY	RURAL	SHORELINE RESIDENTIAL	URBAN	<i>[Also, See Zoning 17.03 ICC and Critical Areas Ordinance, 17.02, ICC]</i>
	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	<i>Shoreline Use Regulations</i>
<b>Shoreline Modification Activity:</b>							
Breakwaters	C	X	X	C	C	C	See 17.05.240
Bulkheads	C	X	See 17.05.120	See 17.05.120	See 17.05.120	See 17.05.120	See 17.05.240
Dikes	C	X	P	P	P	P	See 17.05.240
Dredging	C	C(2)	P	P	P	P	See 17.05.240
Groins	C	X	X	P	P	P	See 17.05.240
Jetties	C	X	X	P	P	P	See 17.05.240
<b>Signs:</b>							
Off-premises identification & directional	C	X	X	X	X	C	See 17.03.210
On-premises identification & directional	C	C(1)	P(1)	P	P	P	See 17.03.210
Landfill (i.e., cut & fill)	C	X	C	P	P	P	See 17.05.150
Port facilities	C	X	X	X	X	P	See 17.05.220
Utilities	C	C(3)	P	P	P	P	See 17.05.260
Water dependent industry	C	X	X	X	X	P	See 17.05.220
All other industry	X	X	X	X	X	X	See 17.05.220
Water-Dependent commercial	C	X	X	P	P	P	See 17.05.130
Water related & water enjoyment commercial	X	X	X	P	P	P	See 17.05.130
<b>Transient Accommodations:</b>							
Hotels, Motels	N/A	X	X	X	X	P	See 17.05.130

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SHORELINE USES	SHORELINE ENVIRONMENTS						
	AQUATIC	NATURAL	CONSERVANCY	RURAL	SHORELINE RESIDENTIAL	URBAN	<i>[Also, See Zoning 17.03 ICC and Critical Areas Ordinance, 17.02, ICC]</i>
	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	<i>Shoreline Use Regulations</i>
Bed and Breakfast Inns, Country Inns	N/A	X	X	P	P	P	See 17.05.130

**NOTES**

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

- (1) Navigation aids and public information only
- (2) For restoration or enhancement of natural resources only
- (3) Permitted conditionally only if no feasible alternative exists
- (4) Permitted if carried out on a sustained yield basis
- (5) Public boat launches only
- (6) Conditionally permitted for public transportation projects only

1  
2 **17.05.080 SHORELINES OF STATEWIDE SIGNIFICANCE.** In addition to compliance  
3 with the Use Requirements which hereafter follow, developments proposed within Shorelines of  
4 Statewide Significance shall, insofar as is possible:

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

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

20 **17.05.090 SHORELINE USE REQUIREMENTS**

- 21 A. **General Purpose:** There are hereby created Use Requirements to which all shoreline  
22 developments and uses shall comply when located within the geographical jurisdiction of  
23 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**

- 1 1. All over water development shall be marked in accordance with U.S. Coast Guard requirements.
- 2 2. Over water structures and equipment, except navigation aids, shall be designed,  
3 operated and maintained to blend into their surroundings through the use of  
4 appropriate colors and materials.
- 5 3. For over water facilities, the County shall reserve the right to require a visual  
6 impact analysis using the best available methodology.
- 7 4. Proposals that cause substrate displacement or that involve substrate modification  
8 through dredging, trenching, or digging shall not be allowed in existing kelp beds  
9 or in areas with more than two (2) turions of eel grass per ¼ square meter in  
10 winter or three (3) turions ¼ square meter in summer, except as provided for in  
11 Aquaculture Districts 2a, 2b and 2c where the following standard shall apply: 10  
12 turions per ¼ square meter (winter), 13 turions per ¼ square meter (summer).
- 13 5. No shoreline permit or rights under such permit shall be transferred by sale or lease  
14 or other conveyance of any interest without prior County notification in order to  
15 determine if any new owner/operator can meet the terms and conditions of the  
16 permit.
- 17 6. Shoreline development shall not be allowed to cause significant erosion, accretion,  
18 and/or avulsion along adjacent shorelines.
- 19 7. All shoreline and overwater projects shall be required to comply with the state  
20 noise ordinance, air pollution control regulations, water quality standards, state  
21 and federal laws and regulations protecting archaeological sites and resources, and  
22 all other pertinent codes and ordinances.
- 23 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.

- 1 11. All shoreline and overwater activities shall be restricted to reasonable hours and/or  
2 days of operation when necessary to protect residents and properties from adverse  
3 impacts such as noise, light, and glare.
- 4 12. Permittees shall be required to carry liability insurance in an amount commensurate  
5 with the risk involved of injury or damage to any person or property as a result of  
6 the project.
- 7 13. The County shall require permittees to secure a performance bond or other suitable  
8 guarantee to insure immediate removal of all floating over water structures, with  
9 the exception of floating docks, should the project cease operation. Such bond  
10 shall also be in an amount sufficient to repair any damage which resulted from the  
11 activity.
- 12 14. Development activities shall be conducted in such a manner that unreasonable  
13 levels of noise and glare will not intrude into adjacent areas.
- 14 15. All use requirements, regulations and standards prescribed in the SMP shall apply  
15 to all structures and uses that exist as of the effective date of the SMP and/or are  
16 proposed in the future.

#### 17 **17.05.100 AGRICULTURE**

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

#### 19 B. **Use Requirements**

- 20 1. Erosion control measures shall conform to guidelines and standards established by  
21 the Soil Conservation Service and the U.S. Department of Agriculture.
- 22 2. Pesticides shall be used, handled and disposed of in accordance with provisions of  
23 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.

- 1           5.       Buffer zones shall be established and/or maintained between tilled or grazed areas  
2           and associated water bodies to retard surface runoff, reduce siltation, and promote  
3           valuable shade for fish and habitat for other wildlife.

3   **17.05.110 AQUACULTURE**

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

6   B.    **Use Requirements**

- 7       1.       No aquatic organism shall be introduced into Island County salt or fresh waters  
8       without prior written approval of the Director of the Washington State Department  
9       of Fish and Wildlife.
- 9       2.       Floating and submerged aquaculture structures shall be located to not unduly  
10       restrict navigational access to waterfront property or to interfere with general  
11       navigation. As a general rule, such structures should be located waterward of the  
12       minus 3 fathom contour or 200 feet beyond extreme low tide, whichever is further  
13       offshore, and floating structures should not extend beyond 1000 feet therefrom.
- 12       3.       Intertidal aquaculture structures, such as pilings and intertidal formations, shall be  
13       located to not unduly restrict pedestrian circulation along beaches and navigation  
14       between such structures and any floating or submerged aquaculture structures. As  
15       a general rule, such structures should be located between the mean high tide level  
16       and extreme low tide.
- 15       4.       In accordance with all governmental waste disposal standards, aquaculture wastes  
16       shall be disposed of in a manner that will prevent degradation of associated upland,  
17       wetland, shoreline, or water environments. Garbage, wastes or debris shall not be  
18       allowed to accumulate at the site of any aquaculture operation.
- 17       5.       No processing of any aquacultural product, except for the sorting or culling of the  
18       cultured organism and the washing or removal of surface materials or organisms,  
19       shall occur in or over the water after harvest, unless specifically approved by  
20       permit. All other processing shall be located on land and shall be governed in  
21       addition by the provisions of chapter 17.03 ICC.
- 20       6.       Odors shall be controlled through the proper storage and disposal of feed and  
21       other organic materials and by maintaining a clean operation. A specific plan for  
22       identifying and controlling odors shall be developed and approved as part of the  
23       permit approval process. Odors shall not unreasonably interfere with the enjoyment  
24       of life and property of a substantial number of persons.

1           7.     Fish net-pen complexes shall not occupy more than two surface acres of water area  
in a district, excluding booming and anchoring requirements.

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

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

6           10.    Aquaculture proposals that hydraulically, or mechanically, or by commercial  
7           digging (except traditional low impact hand implement digging), displace or  
8           disturb bottom sediments through dredging, trenching or excavation shall only be  
9           allowed in approved aquaculture districts. These activities, except for geoduck  
10          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  
11          15-20% fine sediment (63 microns or smaller) until it can be shown that the  
12          method or equipment can ensure immediate and sustained trench or hole refill, that  
13          there will be minimal significant adverse impacts on natural systems and that water  
14          quality standards are met.

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

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

24           11.    Compliance with requirements for intertidal hydraulic or mechanical harvesting  
25           shall be met through presentation of documented evidence which certifies to the  
26           County's satisfaction that protective controls will be complied with. Any on- site,  
27           non-commercial testing to support the presented documentation shall be limited in  
28           duration and distance. All required baseline studies shall be required which  
29           measure seasonal variations and shall be completed before any testing is allowed.  
30           Furthermore, districts proposing substrate displacement in intertidal estuarine  
31           environments such as Skagit Bay, Livingston Bay or Port Susan, shall not be  
32           considered unless supported by an adequate Environmental Impact Statement or  
33           supplement thereto incorporating a thorough baseline study of the surrounding  
34           marine environment which reflects seasonal variations in natural conditions. Such  
35           data shall be used to assess the probable adverse impacts of substrate displacement  
36           on shoreline resources. If the data shows that negligible adverse impacts occur in

1 sediments with greater than 15-20% fine sediment, the 15-20% threshold in  
2 Regulation 10 may be amended when a district is created.

3 12. Aquaculture Proposals for Aquaculture practices that would cause an  
4 environmentally significant long run decline in unique or significant populations of  
5 benthic organisms, other than those being harvested, or result in the long term  
6 destruction of the habitat of unique or significant colonies of benthic organisms  
7 shall not be allowed in Island County.

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

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

20 15. For aquacultural projects using over-water structures, storage containers of  
21 necessary tools and apparatus seaward of the line of ordinary high tide shall be  
22 limited to containers of not more than three feet in height as measured from the  
23 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.

- 1           19.    An annual report of antibiotic use shall be submitted to Island County. The report  
2           shall indicate the type and amount of antibiotics used during the previous calendar  
3           year.
- 4           20.    Fish mortalities shall not be disposed of at any Island County solid waste disposal  
5           facility.
- 6           21.    In promotion of the Island County solid waste management plan and with the  
7           associated goal of eliminating marine debris, applicants for finfish facilities will be  
8           required to submit for approval, a solid waste reduction and recycling plan.
- 9           22.    Finfish aquaculture operators shall submit an annual report to Island County  
10           stating the total number of fish mortalities that occurred during the previous  
11           calendar year. In event of a significant fish kill, the cause of death shall be  
12           determined and reported.
- 13           23.    Aquaculture proposal applicants shall be required to supplement their applications  
14           with any and all information about their project needed to conduct a thorough  
15           evaluation, including but not limited to the following when appropriate.
- 16           a)     Species to be reared;
- 17           b)     Aquaculture method(s);
- 18           c)     Schedule, method, and type of feeding (if applicable);
- 19           d)     Manpower/employment necessary for the project;
- 20           e)     Harvest method and timing;
- 21           f)     Location and plans for any shore-side activities including loading and  
22           unloading of the product and processing;
- 23           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 by the County 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**

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

3 B. **Use Requirements**

4 1. New commercial developments shall locate adjacent to existing commercial  
5 developments whenever practicable.

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

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

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

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

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

23 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.

- 1           10.    Design of parking and loading areas shall assure that surface runoff does not  
2           pollute adjacent water or cause soil or beach erosion.
- 3           11.    Outdoor advertising and signs shall comply with the section of Outdoor  
4           Advertising, Signs and Billboards of this chapter.
- 5           12.    Applications for commercial development shall include a detailed statement  
6           explaining the nature and intensity of water orientation of the proposed activity.  
7           Such statement shall include the following:
- 8                   a)     nature of the commercial activity;
- 9                   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.

10   **17.05.140 DOCKS AND PIERS**

- 11   A.    **Definition:** A structure built over or floating upon the water, used as a landing place or  
12       marine transport, or for commercial or recreational purposes.
- 13   B.    **Use Requirements**
- 14       1.    Piers and docks shall be located and designed in a manner so as not to interfere  
15       with geohydraulic shoreline processes.
- 16       2.    The location and design of docks and piers, as well as the subsequent use, shall  
17       minimize adverse effects to fish, shellfish, wildlife, and water quality.
- 18       3.    Docks and piers shall be located, designed, and operated so as not to interfere with  
19       rights of adjacent property owners, nor interfere with adjacent water uses.
- 20       4.    With the exception of those residential areas designed for private dock facilities,  
21       Applications for docks and piers associated with single family residences shall not  
22       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

1           c)     the applicant shall have the burden of providing the information requested  
2                 for items a, and b above, and shall provide this information the  
3                 Administrator.

4           5.     Each dock or pier proposal shall be evaluated on the basis of multiple  
5                 considerations, including but not necessarily limited to the potential and cumulative  
6                 impacts on littoral drift, sand movement, water circulation and quality, fish and  
7                 wildlife, navigation, scenic views, and public access to the shoreline and the best  
8                 available background information on tidal currents, wave height, and prevailing  
9                 storm wind conditions.

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

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

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

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

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

23          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;

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

3           e) all construction-related debris shall be disposed of properly and legally. Any debris  
4           that enter the water shall be removed promptly. Where feasible, floats shall be  
5           secured with anchored cables in place of pilings.

6           15. Piles, floats or other members in direct contact with water shall not be treated or  
7           coated with biocides such as paint, or pentachlorophenol. Use of arsenate  
8           compounds or creosote treated members is discouraged and shall only be used in  
9           accordance with the following provisions:

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

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

#### 22   **17.05.150 DREDGING AND LANDFILL**

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

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

#### 29   B.   **Use Requirements**

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

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

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

- 1           c)     For lots created prior to this Chapter and are located within Floodplains,  
2                 Landfill shall be limited to the minimum necessary to meet Floodplain  
3                 standards.
- 3           d)     For lots created prior to this Chapter and located within regulated wetland,  
4                 only if it is necessary to achieve reasonable use and then only the absolute  
5                 minimum amount of fill.
- 5           e)     Landfill that is exempted pursuant to ICC 17.05.060(C)(2).
- 6           f)     Landfill for purposes identified in ICC 17.05.060(C)(2) that exceeds the  
7                 250 cubic yard exemption threshold.
- 7     2.     Landfill shall be prohibited in estuaries, tidelands, marshes, ponds, swamps or  
8             similar water-retention areas, except for the minimum necessary to provide for the  
9             reasonable use of a property in accordance with “reasonable use exceptions and  
10            exemptions”, as specified in Chapter 17.02 ICC.
- 10    3.     Sanitary landfill sites within any area subject to the jurisdiction of the Shoreline  
11            Management Act are strictly prohibited.
- 11    4.     Landfill shall be deposited so as not to block the normal recharge of groundwater  
12            supplies, and in a manner that does not degrade quantity and quality of  
13            groundwater.
- 13    5.     Fill material shall be of a quality, and so placed and contained, as to not cause  
14            water quality degradation. Junk, garbage, and other potentially hazardous materials  
15            shall not be used as fill material.
- 15    6.     Applications which include landfilling as a project element shall include the  
16            following information:  
17            a)     physical, chemical and biological character of landfill material;  
18            b)     source of landfill material;  
19            c)     method of placement and compaction; and  
20            d)     method of perimeter erosion control.
- 20    7.     The perimeter of all landfills shall be provided with means of control erosion, such  
21            as vegetation, retaining walls or other mitigating measures.
- 21    8.     Dredging shall cause no more than minimal disruption of natural geohydraulic  
22            processes along shorelines.
- 22    9.     Dredging operations shall be scheduled so as not to interfere with the migratory  
23            movements of anadromous fish.

- 1           10.    Dredging shall not cause unnecessary interference with navigation or infringement  
2                   upon adjacent shoreline uses, properties, or values.
- 3           11.    Dredged material shall be deposited on upland sites wherever possible, and in any  
4                   case only on those sites authorized by a Shoreline Management Substantial  
5                   Development Permit.
- 6           12.    Dredged materials deposited on upland sites shall constitute landfill, and shall  
7                   comply with all applicable landfill requirements of this Ordinance.
- 8           13.    Applications shall comply with requirements stipulated under Chapter 11.01 ICC  
9                   (Land Development Standards) and Chapter 11.02 ICC (Clearing and Grading  
10                  Regulations).

11           **17.05.160 FOREST MANAGEMENT PRACTICES**

- 12           A.    **Definition:** Forest Management Practices are those methods used for the protection,  
13                   production and harvesting of timber. Trees along a body of water provide shade which  
14                   insulates the water from detrimental temperature change and dissolved oxygen release. A  
15                   stable water temperature and dissolved oxygen level provide a healthy environment for  
16                   fish and other more delicate forms of aquatic life. Poor logging practices on shorelines  
17                   alter this balance as well as result in slash and debris accumulation and may increase the  
18                   suspended sediment load and the turbidity of the water.
- 19           B.    **Use Requirements:** Forest management practices shall comply fully with regulations  
20                   adopted pursuant to the Forest Practices Act of 1974. Applications for permits under  
21                   these regulations affecting property within the area of jurisdiction shall be reviewed for  
22                   conformity with the policies and intent of the Island County Shoreline Management  
23                   Program.

24           **17.05.170 MARINAS**

- 25           A.    **Definition:** Marinas are facilities which provide boat launching, storage, supplies and  
26                   services for small pleasure craft. There are two basic types of marinas: open-type  
27                   construction (floating breakwater and/or open-pile work) and solid-type construction  
28                   (bulkhead and/or fill).
- 29           B.    **Use Requirements**
- 30                   1.    Marinas shall be designed to minimize their adverse effects on the scenic qualities  
31                   of the shorelines.
- 32                   2.    Landfill, when utilized, shall be only for necessary water dependent portions of the  
33                   marina facility and not for parking, unless no alternatives exist and such fill would  
34                   be consistent with this program and the public interest.

- 1           3.       Marinas shall be sited to minimize degradation of commercial and recreation  
2           shellfish beds, water quality, existing geohydraulic shoreline processes and shall  
3           comply with the Washington Department of Health’s “Environmental Health  
4           Guidelines for Marina Development and Operation.”
- 5           4.       Where moorage is offered in new, expanded or renovated existing marinas, pump-  
6           out, holding and/or treatment facilities shall be provided for sewage contained on  
7           boats and/or vessels. Such facilities shall be located so as to be conveniently  
8           accessible to all boats. The responsibility for the adequate and approved collection  
9           and disposal of marina originated sewage, solid waste and petroleum waste is that  
10          of the marina operator.
- 11          5.       Marinas shall be located, designed, constructed and operated so as not to  
12          unnecessarily interfere with the rights of adjacent property owners, nor interfere  
13          with adjacent water uses.
- 14          6.       Parking and loading areas shall be located a minimum of 100 feet from the immediate  
15          water’s edge and beaches where possible.
- 16          7.       Marinas shall make adequate provisions to minimize the probability of fuel spills  
17          during handling or storage. Provisions shall be made to handle accidental spills that  
18          do occur.
- 19          8.       Marinas shall provide adequate on-shore sewage and waste disposal facilities and  
20          restrooms. Such facilities shall be adequate to serve transient boaters as well as  
21          “liveaboard” boaters.
- 22          9.       Floatplane bases shall comply with all applicable Use Requirements relating to  
23          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 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.

- 1           15.   Marinas shall be subject to the Design standards for docks and piers in ICC  
2           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.

3   **17.05.180 MINING**

- 4   A.   **Definition:** Mining is the removal of naturally occurring materials from the earth for  
5           economic use. The removal of sand and gravel from shoreline areas of Washington usually  
6           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.

7   B.   **Use Requirements**

- 8           1.    Applications for mining permits shall be accompanied by a report on the geologic  
9           makeup of the site, prepared by a competent professional geologist, addressing the  
            following:
- 10           a)    type of material(s) present on the site;
  - 11           b)    quantity of material(s) (by type);
  - 12           c)    quality of material(s) (by type);
  - 13           d)    lateral extent of mineral deposit;
  - 14           e)    depth of mineral deposit; and
  - 15           f)    depth of overburden.
- 16           2.    Excavation of sand, gravel and other minerals shall be done in strict conformance  
17           to the Washington State Mine Surface Reclamation Act (RCW 87.44).
- 18           3.    Topsoil overburden having value for agriculture or other beneficial uses shall not  
19           be disposed in a manner which precludes future utilization or impairs its value.
- 20           4.    Mining of marine and lake beaches stream beds and shoreline associated wetlands,  
21           including but not limited to sand, gravel, cobbles, boulders, or quarry rock.
- 22           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.
- 23           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**

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

2 B. **Use Requirements**

3 1. Trailer spaces, camping sites, and similar facilities shall not be located on beaches  
and tidelands.

4 2. Recreation facilities shall be designed to provide adequate water supply, sewage  
5 disposal, and garbage collection.

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

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

9 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.

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

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

14 **17.05.200 RESIDENTIAL DEVELOPMENT**

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

17 B. **Use Requirements**

18 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  
19 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.

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

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

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

- 1           5.       Subdivisions and all individual residential structures, appurtenances, and accessory  
2           structures shall be designed to assure that surface runoff does not pollute adjacent  
3           waters or cause soil or beach erosion either during or after the construction phase.
- 4           6        Subdivisions containing marshes, swamps, lagoons, portions of floodplains, or  
5           similar wetlands shall use those areas only for the purposes of parks, open-space,  
6           or recreation facilities as permitted by Chapter 17.02 ICC.
- 7           7.       Construction of residential structures, appurtenances, accessory structures and  
8           amenities shall not be detrimental to the geohydraulic processes occurring within  
9           the shoreline corridor.
- 10          8.       Residential structures shall not be located on wetland areas or in areas subject to  
11          flooding or tidal inundation unless required to provide for the reasonable use of the  
12          property as defined by Chapter 17.02 ICC, and unless complete flood-proofing  
13          measures have been provided, and then only when the location of such structures  
14          will not aggravate flooding possibilities of nearby properties.
- 15          9.       Residential structures shall only be located upon geologically hazardous areas (as  
16          defined by this SMP) if in compliance with the bluff setback standards and  
17          conditions contained in Chapter 11.02 ICC.
- 18          10.       Special Shoreline Setbacks.
- 19               a)       The standard Shoreline Setback for Dwelling Units shall be fifty (50) feet  
20               landward of the OHWM except for the Conservancy and Natural  
21               Environments, where the setback shall be seventy-five (75) feet landward of  
22               the OHWM.
- 23               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 vegetative 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,

1 removal of hazardous, diseased or damaged trees and to allow for pedestrian  
2 waterfront access. Removal of invasive non-native species is authorized.

3 19. In the Natural Environment, a 50-foot native vegetation buffer shall be required  
4 wherein only limited tree limbing for view corridor purposes is allowed. The  
5 native vegetation zone shall be designated on the site plan, approved by the County  
6 Planning Department and recorded with the County Auditor.

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

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

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

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

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

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

22 26. All stairways and tramways, gazebos and sheds must conform to the following  
23 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.

1 e) They shall be designed in such a manner to minimize their impact on the  
2 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.

3 f) Stairway and tramway landings shall be limited in size to that necessary for  
4 minimum safe access to the beach and shall not constitute a deck.

### 5 **17.05.210 OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS**

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

#### 7 B. **Use Requirements**

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

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

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

13 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  
14 structures.

15 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  
16 glare or reflection that may constitute a traffic or boating hazard or nuisance.

### 17 **17.05.220 PORTS AND WATER-DEPENDENT INDUSTRY**

18 A. **Definition:** Ports are centers for water-born traffic and as such have become gravitational  
19 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  
20 available. Port areas, which are located outside of municipal boundaries in Island County,  
are generally located in the Rural Center zone.

21 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  
22 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  
23 building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

1  
2 **B. Use Requirements**

- 3 1. Industrial uses are allowed in the Urban environment where the proposed industrial  
4 activity is shown to be water-dependent and is permitted in the underlying zone by  
5 Chapter 17.03 ICC.
- 6 2. Industrial uses are prohibited in the Natural, Conservancy, Rural and Shoreline  
7 Residential environments.
- 8 3. Water-dependent industrial structures are not required to maintain a minimum  
9 setback from the shoreline. Non-water dependent structures shall maintain a  
10 setback
- 11 4. Industrial development shall be located, designed, constructed and operated in  
12 such a manner as to minimize effects on aquatic life.
- 13 5. Industrial developments shall comply with all federal, state, regional and local  
14 requirements regarding air and water quality.
- 15 6. Industrial and port facilities shall be located, designed, constructed, and operated  
16 so as to minimize unnecessary interference with the rights of adjacent property  
17 owners as well as adjacent shoreline or water uses.
- 18 7. Industrial and port facilities shall not duplicate, but share overwater structures such  
19 as docks and piers whenever practicable. Any activity involving the use or storage  
20 of flammable or explosive materials shall be protected by adequate fire- fighting  
21 and fire-prevention equipment and by such safety devices as are normally used in  
22 the handling of any such material. Such hazards shall be kept removed from  
23 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.

1 **17.05.230 ROAD DESIGN AND CONSTRUCTION**

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

7 B. **Use Requirements**

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

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

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

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

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

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

25 7. Roads shall be setback a safe distance from the top of unstable marine bluffs and  
26 other geologically hazardous areas in accordance with the requirements of Chapter  
27 11.02 ICC.

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

31 **17.05.240 SHORELINE STABILIZATION**

32 A. **Definition:** Structures or modifications for the purpose of retarding shore erosion from  
33 wave or current action, protecting channels and harbors from wave action, encouraging  
34 deposition of beach materials, preventing shoreline overflow and retaining uplands. They

1 may consist of bulkheads, seawalls, dikes, revetments, breakwaters, jetties, groins and  
2 gabions. Defense works are commonly constructed from quarry rock (rip rap), treated  
wood, concrete, steel, sand and gravel.

3 **B. Use Requirements**

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

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

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

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

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

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

13 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  
14 already existing structure, it shall not extend beyond the OHWM unless  
otherwise permitted in compliance with this Ordinance.

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

18 e) Shore defense works shall not be permitted on marine feeder bluffs, except  
19 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.

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

22 g) Applications for jetties shall cover the following items:

23 (i) reason for project;

- 1 (ii) type of construction;
- 2 (iii) method of construction;
- 3 (iv) direction of net longshore drift;
- 4 (v) beach feeding procedures (where appropriate).
- 5 h) Applications for groins shall cover the following items:
- 6 (i) reason for project;
- 7 (ii) type of construction;
- 8 (iii) method of construction;
- 9 (iv) source and destination of material proposed to be trapped by the  
groin(s);
- 10 (v) beach feeding procedures (where appropriate).
- 11 i) Whenever factors of safety would not prevent such provision shall be made  
for pedestrian access on the top of jetties.
- 12 j) In order for a proposed bulkhead to qualify for the RCW 90.58.030 (3) (e)  
13 (iii) exemption for bulkheads associated with a legally established single  
family residence and to insure that such bulkheads will be consistent with  
14 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  
15 and the Island County SMP and must find that:
- 16 (i) Erosion from waves or currents is imminently threatening a legally  
established residence or legally established accessory structures  
17 located less than 100 feet from the OHWM, and
- 18 (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  
19 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
- 20 (iii) EXCEPT in areas subject to coastal flooding as defined by FEMA  
21 and Chapter 13 ICC, the maximum height of the proposed bulkhead  
is no more than one foot above the elevation of extreme high water  
22 on tidal waters as determined by the National Ocean Survey  
published by the National Oceanic and Atmospheric Administration,  
23 and

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

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

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

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

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

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

21 m) Use of a bulkhead or other shore defense works to protect a platted lot  
22 where no structure presently exists is prohibited, EXCEPT where property  
23 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**

- 1
- 2 o) Bulkheads shall conform to design requirements of the Washington
- 3 Department of Fish and Wildlife (when appropriate).
- 4
- 5 p) If a bulkhead is employed as a shore defense work in compliance with the
- 6 policies and regulations of this SMP, the following design criteria shall be
- 7 met:
- 8 (i) The size and quantity of the material shall be limited to only that
- 9 necessary to withstand the estimated energy intensity of the
- 10 shoreline hydraulic system;
- 11 (ii) Filter cloth or adequate smaller filter rock shall be used to aid
- 12 drainage and help prevent settling;
- 13 (iii) The toe reinforcement or protection must be adequate to prevent a
- 14 collapse of the system from wave action, overtopping, scouring,
- 15 and upland erosion; and
- 16 (iv) The material used in construction shall be non-toxic to marine
- 17 organisms; and
- 18 (v) Bulkheads shall be designed to permit the passage of surface or
- 19 groundwater without causing ponding or saturation of retained
- 20 soil/materials.
- 21 q) All shore defense works shall be sited and designed consistent with
- 22 appropriate engineering principles and US Army Corps of Engineer
- 23 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 a thorough
- 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, free of all loose dirt
- and any pollutants, and shall be of sufficient size and weight to prevent

1 movement by wave or current action. The use of tires, automobile bodies,  
2 scrap metal, paper products and other solid waste materials is prohibited.

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

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

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

### 10 **Shoreline Restoration/Beach Enhancement**

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

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

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

21 aa) Natural beach restoration/enhancement shall not:

22 (i) Detrimentially interrupt littoral drift, or redirect waves, current, or  
23 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.

1           bb)    The size and mix of new materials to be added to a beach as part of an  
2 approved beach restoration program shall be as similar as possible to the  
3 natural beach sediment, but large enough to resist normal current, wake or  
4 wave action at the site.

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

#### 6 **17.05.250   SOLID WASTE DISPOSAL**

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

#### 10 **B.    Use Requirements**

- 11       1.    Sanitary landfills or the location of solid waste disposal sites within any area  
12 subject to the jurisdiction of the Shoreline Management Act are strictly prohibited.
- 13       2.    Storage, collection and handling of solid waste associated with shoreline  
14 residences or commercial development shall be conducted so as to create no health  
15 hazards, rodent harborage, insect breeding areas, fire hazards or air or water  
16 pollution.
- 17       3.    Solid waste shall not be stored in areas subject to flooding unless it can clearly be  
18 demonstrated that complete and effective floodproofing of structures or equipment  
19 can be accomplished.
- 20       4.    Liquid wastes shall be disposed of in compliance with standards of local, state,  
21 regional, and federal pollution control authorities.

#### 18 **17.05.260   UTILITIES**

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

#### 22 **B.    Use Requirements**

- 23       1.    The following utilities are prohibited within 200 feet of the shoreline:

- 1           a. electric power substations
- 2           b. recycling centers
- 3           c. transfer stations
- 4           d. water storage tanks
- 5           2. Utilities shall be installed underground whenever feasible.
- 6           3. When feasible, utility corridors shall serve multiple uses such as shoreline access or recreational trails or pathways.
- 7           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.
- 8           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.
- 9
- 10          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.
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- 12
- 13          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.
- 14
- 15          8. Utilities shall not be installed in areas subject to geologic hazards unless it can clearly be demonstrated that such hazards can be overcome.
- 16          9. Pipelines and petroleum operations shall conform to the following requirements:
  - 17           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;
  - 18
  - 19           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;
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1 c) no pipelines carrying hazardous materials or petroleum shall be constructed  
2 on the shorelines of Island County without issuance of a Substantial  
Development Permit;

3 d) no offshore drilling, processing or refining of petroleum shall be done  
4 within 1,000 ft. of the shorelines of Island County.

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

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

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

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

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

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

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

22 g) All areas disturbed by the placement or trenching for desalination facilities  
23 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:

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- (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.