Skagit County
Planning & Development Services
DALE PERNULA, AICP *Director* **JACK MOORE, CBCO** *Building Official*

Memorandum

To: Planning Commission
From: Betsy Stevenson
Date: May 29, 2014
Re: Updates to draft for review on June 3

Staff has made the following changes to the portions of the SMP Update that you are scheduled to review next week:

- SCC 14.26.450 Industry and CP 6D-4
- SCC 14.26.455 In-Stream Structures and CP 6C-8
- SCC 14.26.460 Jetties and Groins and CP 6C-9
- SCC 14.26.465 Mining and CP 6C-10
- SCC 14.26.470 Recreational Development and CP-6F
- SCC 14.26.480 Shoreline Habitat Enhancement and CP-6K
- SCC 14.26.490 Transportation and Parking and CP-6G
- SCC 14.26.495 Utilities and CP 6C-13

A portion of the Planning Commission met last week, without a quorum because other members were not able to attend the scheduled meeting, and reviewed forest practices (.445) with members of the County's Forest Advisory Board. Staff will make additional changes to that section and then schedule it, residential development (.475), and shoreline stabilization (.485) for review by the full Planning Commission at a future meeting.

Recreational Development Policies in CP-6F

Revise CP 6F-1.2, Unique and Fragile Shoreline Areas to read:

a. Accretion beaches, marshes, estuaries, and wetlands that are susceptible to damage from more intensive recreational development should be protected and preserved for less intensive forms of recreation.

b. Point bar beaches, sand bars, and other accretion beach forms should be protected and preserved for more passive forms of recreation.

Insert policies (moved from public access section) as new policies 6F-1.4 and 1.5:

6F-1.4 Partner and coordinate ~~public access~~shoreline education and awareness programs with facilities such as those at the Padilla Bay and Tommy Thompson Trails, and the Padilla Bay National Estuarine Research Reserve.

6F-1.5 Link the regional or countywide multiuse trails with city or local trails that increase urban and rural resident access to parks, recreational areas, schools, public facilities, commercial, and employment areas.

Circulation Policies in CP-6G

Revise CP 6G-1.2, Location, to read:

d. Parking areas for all types of vehicles and for all forms of shoreline activity should not be permitted over water and should be ~~adequately set back to allow for shoreline dependent activities~~<u>located outside shoreline jurisdiction whenever feasible</u>.

Other Policies

No additional substantive changes.

Development Regulations

We have attached to this memo the other development regulations sections scheduled for review, including the ones provided for the last meeting, each of which has received various updates, mainly for organization.

14.26.450 Industry

(1) **General Provisions.**

(a) Applicability. This section applies to "industrial development" or "industry" as defined in SMP Part VIII.

(b) When Allowed.

(i) Water-dependent or water-related uses. Industrial facilities and structures that are water-dependent or water-related are permitted where allowed by zoning and this SMP. The applicant must demonstrate that proposed uses are water-dependent or water-related.

(ii) Nonwater-oriented industrial development is only allowed on shorelines when:

(A) Navigability is severely limited at the site and the use provides a significant benefit with respect to the objectives of the SMA, such as providing public access and ecological restoration;

(B) The use is part of a mixed-use project that includes water-dependent uses and the use provides a significant benefit with respect to the objectives of the SMA, such as providing public access and ecological restoration; or

(C) The site is physically separated from the shoreline by another property or public right of way.

(iii) Accessory development. Accessory industrial development (e.g. parking, warehousing, open-air storage, and transportation corridors) that does not require a shoreline location must be located upland of the water-dependent or water-related portions of the development and comply with shoreline buffers.

(c) Preferred uses. New industrial uses will be given priority in the following order:

(i) Water-dependent industrial uses

(ii) Water-related industrial uses

(iii) Nonwater-oriented industrial uses.

(2) **Application Requirements.** Reserved.

(3) **Development Standards.**

(a) Joint facility use. Port and industrial development must avoid duplication of pier and dock facilities. Joint facility use is preferred and will be considered during project proposal review.

(b) Petroleum Products and Hazardous Materials

(i) Applicants or operators of new facilities that involve either solid, liquid, or gas bulk storage of petroleum products, chemicals, and other materials potentially hazardous to shoreline areas and water bodies is permitted as a conditional use and must justify the need to locate in the shoreline area.

(ii) New port and industrial developments involved in the transfer of petroleum and/or other hazardous products must utilize best available technology and procedures to prevent spills and mishaps.

(iii) Spill cleanup equipment and supplies must be available for prompt application at all locations involved in such transfer activities.

(c) Log storage. [to be modified]

(i) Log storage is not permitted in public waters where water quality standards are not being met, where the shoreline resources will be irretrievably damaged, or where other beneficial water uses will be materially hindered or precluded.

(ii) Surface drainage and runoff must be controlled, treated, and released using dikes, drains, catch basins, vegetated buffer areas, or other effective means.

(iii) New unpaved, dry land log storage areas must have at least four foot average separation depth to the water table.

(iv) The free-fall dumping of logs into water is not permitted. Easy let down techniques and devices must be employed for water storage or transfer.

(v) Bark and wood debris must be controlled, collected, and disposed of in such a manner to prevent entry or accumulation on shorelines and water bodies at all log storage and handling areas.

(d) Ecological functions. New industrial development must be located, designed, constructed, and mitigated if necessary to ensure no net loss of shoreline ecological functions and no significant adverse impacts on other shoreline resources and

values such as navigation, recreation and public access. See SCC 14.26.310 Environmental Protection, SCC 14.26.330 Public Access for additional requirements.

(e) Floodway. New port and industrial development is prohibited in the officially mapped floodway of the Skagit River and the Samish River.

(f) Waste Treatment and Disposal.

(i) Storage and disposal of industrial wastes is prohibited on shorelines, except that wastewater treatment systems may be allowed in shoreline areas only when alternate, inland areas are proven to be infeasible.

(ii) New industrial development and redevelopment is encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated. Federal and state requirements for hazardous materials clean up or management must be addressed.

(g) Drainage and runoff. New port and industrial development must provide stormwater management facilities designed, constructed, and maintained in accordance with the requirements of SCC 14.26.380 Water Quality, Stormwater, and Nonpoint Pollution, including the use of best management practices. New development must implement low impact development techniques when feasible in accordance with SCC Chapter 14.32.

14.26.455 Instream Structures

(1) **General Provisions.**

(a) Applicability.

(i) Docks, floats, marinas, and boat ramps are regulated under SCC 14.26.420 Boating Facilities, not by this section.

(ii) Instream structures that are part of a utility project are regulated both by this section and SCC 14.26.495 Utilities.

(iii) Instream structures that are part of a habitat project are regulated both by this section and SCC 14.26.480 Shoreline Habitat and Natural Systems Enhancement Projects.

(b) When Allowed.

(i) New channelization projects that damage fish and wildlife resources, degrade recreation and aesthetic resources, result in a net loss of ecological functions or result in high flood stages and velocities are prohibited.

(2) **Application Requirements.** Reserved.

(3) **Development Standards.**

(a) The location, planning, and design of instream structures must address all of the following:

(i) public access to shorelines;

(ii) flood protection;

(iii) preservation of historic and cultural resources;

(iv) protection and preservation of ecosystem-wide processes and ecological functions;

(v) impacts to fish and wildlife, with special emphasis on protecting and restoring priority habitats and species;

(vi) watershed functions and processes;

(vii) hydrogeological, hydraulic, and hydrologic processes;

(viii) preservation of natural scenic vistas.

(b) Structures must be designed and located to minimize removal of riparian vegetation.

(c) Diversion structures must be designed and located to return flow to the stream or river in as short a distance as possible.

(d) Instream structures must provide for adequate upstream and downstream fish passage.

14.26.460 Jetties and Groins

(1) **General Provisions**.

(a) When Allowed.

(i) Jetties and groins are only allowed as part of a water-dependent use, public access, shoreline stabilization, restoration, or other publicly beneficial purpose.

(ii) Jetties and groins are prohibited in the following areas:

(A) All lakes.

(B) Shorelines where valuable geohydraulic or biological processes are sensitive to alteration or development such as feeder bluffs, marshes, wetlands, and accretion shoreforms such as spits, hooks, bars, or barrier beaches.

(C) Areas where the proposed structure would result in a net adverse impact upon adjacent and nearby properties and shorelines.

(2) **Application Requirements**. In addition to the general application requirements of this SMP, applications for jetties and groins must include the information listed below.

(a) Purpose of structure(s);

(b) Designs prepared by a registered civil engineer with expertise in such design;

(c) Construction material;

(d) Method of construction;

(e) Location of OHWM, normal (average), low, and high water elevations;

(f) Soils and geology;

(g) Beach profile;

(h) Direction of net long shore drift (when appropriate);

(i) Seasonal wind and wave data; and

(j) Mitigation plan per SCC 14.26.310, if required.

(k) Impact Assessment on Surrounding Properties. New jetty or groin proposals must include an analysis to determine how the project may affect adjacent properties updrift/upstream and downdrift/downstream of the site. The assessment must be prepared by a qualified professional and provide site-specific and scientifically rigorous information to fully document the need for the jetty or groin.

(l) Additional geotechnical, hydrological, and biological studies as determined by the Administrative Official necessary to sufficiently analyze the impacts of the proposal.

(3) **Development Standards**.

(a) Artificial beach feeding and enhancement proposals must demonstrate that jetties or groins are necessary.

(b) Existing jetties or groins may be repaired or replaced only if:

(i) The footprint is minimized to the greatest extent possible; and

(ii) A professional engineer or licensed engineering geologist with experience evaluating projects in marine or riverine areas determines that removing the structure will cause more damage than letting it remain, or, if it is determined that significant impacts will occur to life or property if the groin is removed.

14.26.465 Mining.

(1) **Applicability**.

(a) This section applies to all mining, except recreational mining that complies with the Washington Department of Fish and Wildlife's Gold and Fish Pamphlet does not need to comply with this section.

(b) If a renewal, extension, or reauthorization of mining operations is requested, compliance with this section is required.

(c) This section does not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231(3)(f).

(2) **When Allowed**.

(a) Mining in shoreline jurisdiction is only allowed when the material proposed to be extracted is only available in a shoreline location. This determination must be based on an evaluation of geologic factors such as the distribution and availability of mineral resources in the County; the need for such mineral resources; and economic, transportation, and land use factors.

(b) For marine and lake shorelines, mining waterward of the OHWM is prohibited. [Based on existing SMP 7.08(2.)(B.)(2)]

(c) For rivers and streams, mining waterward of the OHWM is prohibited unless:

(i) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the system as a whole; and

(ii) The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

(iii) Evaluation of impacts should be integrated with the relevant environmental review requirements of SEPA.

(3) **Application Requirements**. In addition to the general SMP application requirements and the application requirements listed in SCC 14.16.440(8), the following information is required for all new mining applications:

(a) Quantity of materials to be mined, in total and by type;

(b) Quality of materials to be mined, by type. For certain minerals, a qualified geologist's evaluation may be required;

(c) Mining technique and equipment to be utilized;

(d) Depth of overburden;

(e) Total mineral deposit in lateral extent and depth;

(f) Proposed depth of mining;

(g) Cross-section diagrams indicating present and proposed elevation/extraction levels;

(h) Existing drainage patterns, seasonal or continuous, and proposed alterations thereof;

(i) Proposed means of controlling/handling surface runoff and preventing or minimizing erosion and sedimentation;

(j) Origin, depth, and extent of subsurface water resources and aquifer recharge areas;

(k) Quality analysis of overburden, excavation material, and tailings with plans for storage, usage, or disposition;

(l) Mining plan and scheduling, including seasonal, phasing, and daily operation schedules;

(m) For surface mining, a reclamation plan that meets the requirements of this SMP and RCW Chapter 78.44; and

(n) Screening, buffer, and fencing plan that meet the requirements of this section and the rest of Skagit County Code. [Based on existing SMP 7.08(2.)(B.)(8)]

(4) **Development Standards**.

(a) Mining must obtain all other required state permits and meet all the requirements of RCW Chapter 78.44, Surface Mining.

(b) Public access. Mining must not impair public access to publicly owned shorelines and water bodies. [Based on existing SMP 7.08(2.)(B.)(9)]

(c) Floodplains. All equipment, works, and structures of mining operations must be able to withstand flooding without becoming hazards themselves and without the placement of structural defense works. All mining must comply with SCC Chapter 14.34, Flood Damage Prevention. [Based on existing SMP 7.08(2.)(B.)(4)]

(d) Screening. Mining operations must provide vegetative screening to obscure views of the mining site consistent with the following criteria.

(i) In the Rural Conservancy and Urban Conservancy environments, the width of required vegetative screening between mining operations and the OHWM is 50 feet; in the High Intensity environment, the width of required vegetative screening between mining operations and the OHWM is 20 feet. These minimums do not replace critical areas buffer requirements.

(ii) Screening must be native vegetation and must be maintained in effective condition at all times.

(iii) Vegetative screening must be planted by the start of mining or as soon thereafter as possible, and be established within one year of the start of mining.

(iv) If vegetative screening is not possible, artificial screening or fencing to suit the site, operations, and shoreline area is required. [Based on existing SMP 7.08(2.)(B.)(14)]

(e) Operations.

(i) Accessory equipment and materials essential to mining operations in shoreline areas must be stored or sited as far landward from the OHWM as feasible. [Based on existing SMP 7.08(1.)(B.)]

(ii) Stockpiles and tailings must not exceed the height, slope, and moisture content limits determined by local and state agencies. Existing topography

and the existing uses of surrounding properties must be considered when siting stockpile locations. [Based on existing SMP 7.08(2.)(B.)(20)]

(iii) Earth stability. Mining operations must not impair lateral support or cause earth movements or erosion to extend beyond property lines or to adversely affect the shoreline and water environment. [Based on existing SMP 7.08(2.)(B.)(12)]

(iv) Erosion control. Mining activities must use effective techniques for preventing or minimizing adverse surface runoff, erosion, and sediment generation. Overburden, mining debris, and tailings must be stored and protected in such a manner so as to prevent or minimize erosion or seepage to surface and ground waters. All preventative techniques must be adequately maintained throughout mining and reclamation operations. [Based on existing SMP 7.08(2.)(B.)(11)]

(v) Water quality and quantity. Mining operations must:

(A) Prevent pollution of ground and surface waters;

(B) Impound runoff as necessary to prevent accelerated runoff and erosion;

(C) Protect all shoreline areas from acidic or toxic materials; and

(D) Maintain existing surface and groundwater flows.

(vi) Mining stuff must be removed within six months of not doing stuff except when climatic stuff happens.

(f) Reclamation.

(i) Subsequent use and ecological function. The proposed subsequent use of mined property must be consistent with the environment designation in which the property is located and the reclamation of disturbed shoreline areas must provide appropriate ecological functions consistent with the setting. [Based on WAC 173-26-241(3)(h)(ii)(C)]

(ii) Land reclamation. To ensure the future use and viability of shoreline areas after mining activities, reclamation must be completed within one year of discontinuing mining operations, consistent with the following standards:

(A) All equipment, machinery, buildings, and structures not involved in reclamation activities must be removed from the site. All equipment

used for reclamation must be removed from the site upon review and approval of the reclamation by state and local agencies.

(B) Stagnant or standing water may not collect or remain except as provided in an approved site reclamation plan.

(C) Backfill material must be of natural, compatible materials. Combustible, flammable, noxious, toxic, or solid waste materials are not allowed as backfill.

(D) All overburden, waste, and nontoxic material storage piles and areas must either be leveled, sodded, and planted, or returned to the excavated area for reuse as backfill and subsequently sodded and planted.

(E) Reclamation must prevent erosion and sedimentation both during reclamation and afterward.

(F) Suitable drainage systems approved by the County Engineer must be installed and maintained if natural, gradual drainage is not possible. Such systems should collect, treat, and release surface runoff so as to prevent erosion and sedimentation.

(G) Topography of the site must be restored to the approximate prior contours or to contours compatible with the surrounding land and shoreline area.

(H) All banks, slopes, and excavated areas for surface mined unconsolidated materials must be sloped to no steeper than two-and-one-half feet horizontal to one foot vertical. All slopes must be sodded or surfaced with appropriate soil to at least the depth of the surrounding, undisturbed soil and subsequently revegetated.

(I) All banks, slopes, and excavated areas of mined consolidated material must be sloped to no steeper than one foot horizontal to one foot vertical.

(J) Slopes of quarry walls must have no prescribed slope unless a hazardous condition is created whereby the quarry must be backfilled and sloped according to the above.

(K) Revegetative practices must utilize compatible, native vegetation.

(L) All toxic and acid forming mining refuse and materials must be either treated to be nonpolluting prior to onsite disposal or removed and disposed of away from shoreline areas. [Based on existing SMP 7.08(2.)(B.)(17)]

(M) Underground mining operations must not be left in a condition that may become hazardous to public health and safety. [Based on existing SMP 7.08(2.)(B.)(19)]

14.26.470 Recreational Development.

(1) **Applicability**.

(a) This section applies to "recreational development" as defined in Part VIII.

(b) This section does not apply to second home subdivisions of land, resorts, motels, hotels, and other commercial enterprises, but does apply to recreational uses associated with such development.

(2) **When Allowed**. [allowed consistent with shoreline use matrix]

(3) **Application Requirements**. Reserved.

(4) **Development Standards**.

(a) Recreational uses must relate to access, enjoyment, and use of the shorelines of the state. Uses such as restrooms, recreation halls and gymnasiums, commercial services, access roads, and parking lots, must be located according to the following preferences:

(i) outside of shoreline jurisdiction, where feasible; or

(ii) landward of water-oriented uses unless it can be shown that such facilities are essentially shoreline dependent.

(b) Minimize conflict. Recreational development must be designed to minimize conflict with on-site and nearby shoreline uses. Techniques to increase compatibility with nearby shoreline uses may include, but are not limited to, providing a physical separation to reinforce the distinction between public and private space, providing signage, providing adequate space, and providing screening with landscape planting or fences.

(c) Motor and recreational vehicles

(i) Licensed and unlicensed recreational motor vehicles and all forms of all-terrain vehicles are allowed only on developments consistent with this SMP, roads, or trails.

(ii) All vehicle use in recreational development is prohibited in critical areas except for emergency or approved maintenance activities, boat launching, and the on and off loading of handicapped persons.

(d) Design review of recreational developments should give consideration to public agency recreation plans to avoid conflict with the implementation of such plans.

(5) Fertilizers, pesticides, and herbicides

(a) Recreational developments requiring the use of fertilizers, pesticides, and herbicides must leave a chemical free swath at least 25 feet in width from water bodies and wetlands, unless another BMP achieving equivalent results can be incorporated or near-shore or waterward application is deemed necessary and applied consistent with manufacturer specifications.

(b) Recreational developments requiring the use of fertilizers, pesticides, and herbicides must not unduly burden nor create use conflicts with adjacent and nearby public or private recreation facilities and areas.

(6) Public health, safety, and use. Recreational developments must be located, constructed, and operated not to become a hazard to public health and safety nor should they materially interfere with the normal public use of the shorelines.

14.26.480 Shoreline Habitat and Natural Systems Enhancement Projects

(1) **Applicability**.

(a) This section applies to activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines, including, but not limited to:

(i) floodplain restoration projects;

(ii) fish passage barrier removal or improvement;

(iii) projects to increase shoreline habitat complexity; or

(iv) stabilization of eroding banks provided that the purpose of the project is restoration or enhancement of the natural character and ecological functions of the shoreline, and the project uses appropriate erosion control techniques and approaches, including limited use of rock as stabilization only at the toe of the bank as necessary, with primary emphasis on using native vegetation to control erosive forces.

(b) Per RCW 90.58.147, projects qualifying under RCW 77.55.181 are deemed consistent with this SMP, and per RCW 77.55.181 are exempt from local government permits and fees.

(2) **When Allowed**. [line about the use matrix here]

(3) **Application Requirements**. Reserved.

(4) **Development Standards**.

(a) All shoreline restoration and enhancement projects must protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

(b) Long-term maintenance and monitoring (minimum of three years) must be arranged by the project applicant and included in restoration or enhancement proposals.

(c) The applicant must demonstrate that no significant change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.

(d) Shoreline restoration and enhancement projects must be designed using the best available scientific and technical information, and implemented using best management practices.

(e) Shoreline restoration and enhancement must not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

(f) For projects on state-owned aquatic lands, project proponents must coordinate with the Washington Department of Natural Resources prior to permit application.

(g) For a shoreline restoration proposal within an urban growth area, the applicant should consult with the County and Ecology to determine if the proposal may be afforded relief under RCW 90.58.580, in the event that the proposed restoration project shifts the OHWM landward.

14.26.490 Transportation and Parking

(1) **Applicability**. [to be developed]

(2) **When Allowed**.

(a) [See use matrix.]

(b) New roads, road expansions, or railroads are not allowed within shoreline jurisdiction unless location outside of shoreline jurisdiction is infeasible, or standards for ADA accessibility and functionality cannot be met, or the cost is disproportionate to the cost of the proposal. When railroads, roads, or road expansions are unavoidable in the shoreline jurisdiction, proposed transportation facilities must be planned, located, and designed to achieve all of the following:

(i) minimize possible adverse effects on unique or fragile shoreline features;

(ii) no net loss of shoreline ecological functions;

(iii) avoid adverse impacts on existing or planned water-dependent uses;

(iv) set back from the OHWM to the maximum feasible to allow for a usable shoreline area for vegetation conservation and planned shoreline uses.

(3) **Application Requirements.**

(a) Proposals for roads and railroads that are to be used secondarily as flood control or protection structures must provide additional data regarding:

(i) channel profiles,

(ii) effects on flood level hydraulics, and

(iii) potential for enlargement of inundated areas.

(4) **Development Standards**.

(a) Roads and railroads.

(i) Roads and railroads located within the 100-year floodplain must not measurably increase flood levels or profiles and must not restrict or otherwise reduce floodplain and floodway capacities.

(ii) Roads and railroads must be located landward of:

(A) Estuaries and their associated wetlands;

(B) Erosion or accretion shoreforms and associated drift sectors and backshore marshes; and

(C) Officially designated fish, shellfish, and wildlife habitats.

(iii) Bridges and culverts are allowed where alternatives outside of shoreline jurisdiction are infeasible.

(b) Development standards.

(i) Transportation facilities that are allowed over water bodies and associated wetlands must utilize elevated, open pile or pier structures and techniques. The number of water crossings must be the fewest necessary to serve the use or district.

(ii) Bridge abutments and necessary approach fills must be located landward of associated wetlands or the OHWM for water bodies without associated wetlands provided mid-river bridge piers are permitted.

(iii) Fill, grading, and excavated materials from both construction and maintenance activities must not be disposed in shoreline areas, If alternative locations are infeasible, such activities must be carried out in accordance with SCC 14.26.440 Fill, Excavation, and Grading.

(iv) All soils exposed to erosion by all phases of road, bridge, and culvert work must be stabilized and protected by seeding, mulching or other effective means immediately upon completion of construction.

(v) Relief culverts and diversion ditches must not discharge onto erodible soils, fills, or sidecast materials.

(vi) Stream and river channel alignment, flows, and banks must not be altered without appropriate local, state, and federal permits.

(vii) All surface and drainage systems must be designed and maintained to prevent and control runoff and sedimentation.

(viii) Mechanical means are preferred over the use of herbicides for roadside brush control. If herbicides are used, they must be applied so that chemicals do not enter shoreline water bodies.

(ix) Unpaved existing roads and parking areas may be paved, provided such facilities comply with all other applicable requirements of this SMP. Roadways

or paved parking areas must be designed to incorporate low-impact development practices, to the extent feasible.

(c) Fill associated with new transportation facility development is only permitted in water bodies and their associated wetlands and beaches when all structural or upland alternatives are proven infeasible.

(d) Parking facilities in shorelines are not a preferred use.

(i) New over water parking facilities are prohibited in all shoreline areas.

(ii) New or expanded parking areas must:

(A) Be Accessory to an authorized use.

(B) Minimize environmental and visual impacts.

(C) Locate outside of shoreline jurisdiction unless no feasible alternative location exists.

(D) Locate outside shoreline buffers unless a variance is obtained based upon one or more of the following:

(I) ADA parking requirement are not met and placing the limited number of needed ADA parking spaces within the shoreline buffer facilitates better and safer public access to the shoreline;

(II) The applicant's lot/site has topographical constraints where no other location outside the buffer yet within the proposed development is feasible (e.g., the use or activity is located on a parcel entirely or substantially encumbered by the required buffer); or

(III) In the above cases, parking must be located as far upland from the OHWM as feasible, recognizing the limited supply of shoreline areas and parking allowed in buffer must follow mitigation sequencing; and

(E) Designed to incorporate low-impact development practices, such as pervious surfaces and bioswales, to the extent feasible.

(iii) Setbacks. Except where necessary for ADA access or where no other locations are feasible, new parking areas for approved shoreline uses must be located landward of the primary facility or activity.

(iv) Screening. New parking areas must be screened from view of shoreline areas and nearby properties through the planting of compatible, self-sustaining vegetation to be planted within six months of facility completion. Screening is to be effective within two years of planting.

(e) Shoreline road ends

(i) RCW 36.87.130 prohibits the County from vacating any county road which abuts a body of salt or fresh water except for port, recreational, educational, or industrial purposes.

(ii) Development, alteration, or vacation for any purpose of county road ends within shoreline jurisdiction must comply with the provisions of the SMA and this SMP.

(f) A driveway for an individual single-family home is considered a residential appurtenance and is considered part of the primary use, subject to Residential Development standards of this SMP. Private driveways or private roads serving more than one home are subject to the standards of this section. Shared driveways are preferred where they result in less impervious area and thereby reduce potential adverse shoreline impacts. (Planning Commission comment)

(g) New transportation and parking projects must also be consistent with applicable public access regulations in SCC 14.26.360.

(h) Airports and landing fields. Airport facilities must be designed and operated so that:

(i) All facilities that are non-water-dependent must be located outside of shoreline jurisdiction, if feasible. When sited within shoreline jurisdiction, uses and developments such as parking, hangars, service buildings and areas, access roads, utilities, signs, and storage of materials must be located to comply with the applicable shoreline and critical areas buffer,

(ii) New or upgraded airport facilities must minimize impacts on shoreline ecological functions, including control of pollutant discharge and comply with the applicable regulations in SCC 14.26.310 and SCC 14.26.350.

(i) Float planes.

(i) Operation of a single private float plane on waters where FAA has designated a seaplane landing area is not regulated by this SMP.

(ii) Moorage of a float plane is addressed in SCC 14.26.420 Mooring Structures.

(iii) Commercial float plane facilities, including docks and storage area bases, are permitted provided such bases are not contiguous to residential areas and they meet standards in SCC 14.26.420 Mooring Structures.

(iv) Float plane facilities must be located to minimize short- and long-term noise impacts and other impacts on habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, and migration routes on adjacent parcels and over-flight areas.

14.26.495 Utilities

(1) **Applicability**.

(a) This section applies to upland and in-water facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products. (Planning Commission comment to address Tidal Energy)

(b) Accessory utilities. On-site utilities supporting a permitted shoreline use are considered part of the primary use.

(2) **When Allowed**.

(a) The following uses must be located outside of shoreline jurisdiction whenever feasible. If not feasible, the use must ensure no net loss of shoreline ecological functions and no significant adverse impacts to other shoreline resources and values that cannot be mitigated.

(i) Transmission facilities (e.g. power lines, cables, pipelines), particularly those running roughly parallel to the shoreline.

(ii) Facilities that require periodic maintenance that may disrupt shoreline ecological functions.

(iii) Energy and communication towers.

(b) Use of existing routes and rights of way. New utilities must be located in existing rights of way and corridors whenever feasible. Specifically power, communications, pipelines, and fuel lines must utilize existing rights-of-way, corridors, and/or bridge crossings and must avoid duplication and construction of new or parallel corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.

(3) **Development Standards**.

(a) General standards. All new utility facilities must be designed and located to meet the following criteria while meeting the needs for planned growth:

(i) Ensure no net loss of shoreline ecological functions through compliance with SCC 14.26.310 and SCC 14.34;

(ii) Preserve the natural landscape;

(iii) Locate and design the project to avoid the need for new structural shoreline stabilization or flood hazard reduction facilities;

(iv) Screen facilities from water bodies. Such screening or landscaped areas must consist of native, self-sustaining vegetation to be planted immediately following utility construction or, in the case of existing vegetation, such vegetation must be effectively maintained as screening; and

(v) Minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations.

(vi) Avoid impacts to fish and wildlife habitat to the maximum extent possible.

(vii) The utility installation must not change the natural rate, extent, or opportunity of channel migration.

(b) Undergrounding required. All utilities for new subdivisions, mobile home parks, public and private recreation and second home developments, and PUDs must be installed underground in shoreline areas.

(c) Underground utility lines. When utility lines are allowed in shoreline jurisdiction and installed underground or underwater, the following standards apply:

(i) Underwater utility lines must enter and emerge inland from fresh and salt water banks, dikes, beaches, or shorelands.

(ii) Banks, dikes, beaches, or shorelands where such facilities enter or leave water bodies must be returned to their pre-construction condition, stabilized with compatible, self-sustaining vegetation, and maintained in a safe condition.

(iii) Underground (or water) utility lines must be completely buried under the river bed in all river or stream crossings except where such lines may be affixed to a bridge structure and except for appropriate water or sewage treatment plant intake pipes or outfalls.

(d) Surface utility lines. When utility lines are allowed in shoreline jurisdiction and installed on the surface, the following standards apply:

(i) Surface utility lines must minimize crossings of shoreline areas and utilize the shortest, most direct route feasible.

(ii) Permitted water crossings requiring structural abutments or approach fills must set back such facilities landward of the OHWM.

(iii) Permitted wetland crossings must utilize pier or open pile techniques only. Landfills are not permitted.

(e) Aerial utility lines. When utility lines are allowed in shoreline jurisdiction and installed in an aerial manner, the following apply:

(i) Aerial utility lines must minimize crossing of shoreline areas and must utilize existing crossings where feasible. All crossings must utilize the shortest, most direct route feasible.

(ii) Aerial utility lines must make maximum use of area topography to minimize visual contrasts.

(f) Surface Water and Stormwater Outfalls. The Administrative Official may condition the proposed outfall location and design to ensure aesthetic compatibility and to reduce adverse environmental impacts. Outfalls must:

(i) comply with the flow and discharge requirements of SCC Chapter 14.32;

(ii) be set back from the water's edge and discharged onto appropriate materials such as rocks, logs, and other natural materials to mimic the appearance of a natural-looking creek flowing into the water body;

(iii) be designed and installed so that during periods of heavy rainfall the velocity and quantity of runoff will not be detrimental to important aquatic life in the receiving waters, and so that it does not flood adjacent land;

(iv) install vegetation consistent with SCC 14.26.340.

(g) Hydropower facilities. Flowlines and powerhouses are subject to the following additional standards:

(i) Flowlines and powerhouses must be designed, located, and constructed in a manner that avoids extensive topographical alteration and avoids impacts to shoreline ecological function and critical areas, consistent with SCC 14.26.310.

(ii) Flowlines and powerhouses must be designed to minimize the removal of riparian vegetation and to return flow to the stream in as short a distance as practical.

(iii) Surface flowlines must be designated, located, and constructed to present as low a profile as possible.

(iv) All intake and diversion structures must be designed to maximize the natural transportation of bedload materials to the greatest extent possible.

(v) Where site conditions permit, powerhouses must be located a minimum of 50 feet from the OHWM, provided that this does not apply to tailraces.

(vi) Impoundments must be located to minimize impacts to critical areas, shoreline natural features, and important scenic vistas.

(h) Solar energy. Solar energy panels are subject to the regulations for the primary use of the building as well as any general standards of this SMP.

(i) Tidal and wave energy facilities.

(i) Tidal and wave energy facilities must be installed so that water quality and marine life will not suffer degradation and that no net loss of ecological function will result, consistent with SCC 14.26.310.

(ii) System components of tidal and wave energy or tidal power-generating facilities which are not water-dependent must be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to be infeasible. Location of the system components must not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access or archaeological, historic and cultural resources, or aesthetic resources.

(j) Maintenance. Maintenance and repair of legally established pre-existing utility facilities is permitted consistent with the use and modifications matrix and SMP Part VI. Maintenance activities must:

(i) Protect shoreline and critical area habitat consistent with vegetation conservation, critical area, and other development standards of this SMP;

(ii) Provide stormwater management practices to reduce both water quantity and water quality impacts, where appropriate;

(iii) Provide appropriate erosion and sediment control practices;

(iv) Provide appropriate revegetation of disturbed areas following maintenance or repair; and

(v) Use best management practices for chemical and nutrient use and containment.