

SMP Workgroup Recommendations

DRAFT SMP POLICIES

February 9, 2011

Section III GENERAL POLICIES AND REGULATIONS

A. Archaeological and Historic Resources

Applicability

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

Policies

1. Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the office of archaeology and historic preservation.
2. Ensure public or private uses and activities are compatible with any site having historic, prehistoric, cultural, scientific or educational purpose or value as identified by the appropriate authorities.
3. Develop guidelines to direct private and public development with regard to historic structures and areas. Require onsite interpretive signs, plaques, or other interpretive and educational measures when a project impacts or retains cultural resources, unless prohibited by law.

B. Vegetation Conservation and Management Zones

Applicability

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

Vegetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species. The Vegetation Conservation and Management Zones provisions apply to all shoreline development, regulated uses, and activities, including those which do not require a shoreline permit, and existing development only when changes or alterations occur. As with all master program provision, vegetation conservation provisions apply even to those shoreline uses and development that are exempt from the requirement to obtain a permit. Like other master program provisions, vegetation conservation standards do not apply retroactively to existing uses and structures. Standards for the Vegetation Conservation and Management zones are established using current scientific and technical information pursuant to WAC 173-26-221(5)(b) and 173-26-201(2)(a), and are based on the use category, shoreline characterization and the environment designation and are provided in Section IV, Environment Designations, Table 4-2. In some cases, the standards are further refined by regulations in Section V, Specific Use Policies and Regulations. (See specifically Section V, subsection K, Residential Development.)

Policies

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

1. Maintain existing shoreline vegetation and marine riparian zones to protect ecological functions and/ or processes from adverse impacts of uses, activities and developments within the shoreline jurisdictions.
2. Emphasize the use of native plant species to maintain the ecological function and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline uses, activities and developments.
3. Provide alternative dimensional standards for shoreline buffers and building setbacks that are based on performance standards designed to protect shoreline ecological functions and ecosystem-wide processes, including considering alternatives to planting native species if it can be demonstrated that the same ecological functions can be provided.
4. Use monitoring programs to ensure the protection of shoreline ecological functions within the Vegetation Conservation and Management zones, particularly when non-native plant species are used as an alternative to native plants.
5. Encourage the restoration or enhancement of shoreline vegetation through incentive programs.
6. Establish Shoreline Vegetation Conservation and Management zones immediately upland of OHWM for each shoreline use and shoreline characterization, recognizing the pattern of

development, shoreline ecological functions and ecosystem wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a).

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

8. Implement a public education program emphasizing the importance of shoreline vegetation management.

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

Land Surface Modification Policies

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

2. Avoid and minimize potential adverse impacts from land surface modification activities through proper site planning, construction timing practices, and use of erosion and drainage control methods. Generally, these activities should limit alteration of the natural landscape to the extent necessary to accommodate the proposed use, or to remove invasive vegetation, and should be designed and located to protect shoreline ecological functions and ecosystem-wide processes.

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

4. For clearing and grading proposals, provide a clearing and grading plan addressing native species removal, erosion and sedimentation control, and protection of critical areas and shoreline vegetation conservation and management zones. Use low impact development techniques to minimize adverse impacts to natural hydrologic conditions, such as soil compaction and transpiration.

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

C. Environmental Element

Applicability

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

Policies

Goal: Minimize impacts shoreline uses and activities have on the environment during all phases of development (e.g. design, construction, and management).

1. Ensure all shoreline uses, activities and developments are designed and located in a manner that prevents or mitigates adverse impacts to shoreline ecological function and ecosystem wide processes, including the use of the avoid, minimize, rectify, reduce, compensate mitigation sequence; and make available flexible alternatives to accommodate preferred shoreline uses.
2. Ensure, through appropriate monitoring and enforcement measures, that all required conditions are met, improvements installed, and properly maintained.
3. Promote shoreline uses and activities within critical areas, such as public access on publicly owned lands, which do not cause significant adverse impacts to ecological functions and ecosystem-wide processes.
4. In assessing the potential for new uses, activities and developments to cause adverse impacts, the City should take into account all of the following:
 - i. Effects on ecological functions and ecosystem processes; and
 - ii. Effects that occur on-site and effects that may occur off-site; and
 - iii. Immediate effects and long-term effects; and
 - iv. Direct effects of the project and indirect effects; and
 - v. Individual effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and
 - vi. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.
5. To provide for comprehensive management strategies for shoreline areas, integrate planning and regulatory measures, such as those within the comprehensive plan, regional watershed plans, or state and federal regulations.

D. Critical Areas

Applicability

This section provides policies and regulations that apply to critical areas including critical saltwater and freshwater habitats as defined by WAC 173-26-221(2)(c)(iii) and (iv), including those portions of streams and wetlands, and flood plans. These policies and regulations apply in

addition to the critical areas protection standards for fish and wildlife habitat conservation areas found in Appendix XX.

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

1. Protect shoreline resource areas, including, but not limited to, critical areas; including fish and wildlife habitat conservation areas and critical saltwater habitats.
2. Encourage development proposals to include elements of preservation, conservation, restoration, or enhancement of critical areas, including saltwater habitat and fish and wildlife conservation areas through incentives and ecosystem-wide restoration planning.
3. All shoreline uses and activities should be located, designed, constructed, and managed in ways which assures no net loss of shoreline ecological function and ecosystem-wide processes and protects critical saltwater habitat, including fish and wildlife habitat conservation areas.
4. Locate and design shoreline uses, activities, and/or developments to avoid risks to people and property. See also Section IV, Environment Designation, Subsection E Conservancy Environment for additional provisions.
5. Ensure that proposed shoreline uses, activities and/or developments, which are located in areas adjacent to critical area features or their buffers, will not adversely impact critical areas; including fish and wildlife habitat conservation areas and critical saltwater habitats, or ecological function and/or processes
6. Promote and manage shoreline uses and activities, such as public access and recreation that are compatible with critical areas, provided they do not adversely impact ecological function.
7. Monitor critical areas, including saltwater habitats, and fish and wildlife habitat conservation areas, to assure that these areas are not being adversely impacted by approved development or restoration projects.

F. Parking

Applicability

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

Policies

1. Parking should directly serve a shoreline use and be sensitive to adjacent shorelines and properties. Encourage accessible parking for road ends. Restrict accessory motorized parking

within the shoreline jurisdiction, except for ADA parking services. Encourage non-motorized parking services.

2. Parking facilities should be located, designed, constructed, and operated to minimize adverse impacts to water quality, aesthetics, public access, vegetation and habitat, stormwater runoff, noise, and glare. Low impact development techniques, such as permeable surfaces, should be required of all parking, including single family residences where suitable site conditions exist.
3. Design and locate parking to serve more than one use (e.g., recreational use on weekends, commercial uses on weekdays).

G. Public Access - Visual and Physical

Principles

The provisions of this section are intended to:

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

Applicability

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

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

Policies

1. Develop, adopt and implement a comprehensive shoreline public access plan that incorporates public access into new shoreline development, unifies individual public access points into a system plan, and seeks new waterfront access points to increase visual and physical shoreline access through enhancement of publicly held land, incentives, easements, land acquisition, and other appropriate means.
2. Locate, design, manage and maintain public access in a manner that protects shoreline ecological functions and processes and the public health and safety.

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

4. Expand the amount and diversity of public shoreline access opportunities and promote public access to the water via unopened road rights-of-way ("road ends") and public utility corridors and easements (where possible), with a goal of providing comparable access in all ~~each~~ neighborhoods.

5. New commercial use development or development by public entities must include public access to the shoreline as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Where feasible, public access should be provided parallel to the beach (such as a walking/bicycling path or promenade) and waterward of all buildings in all commercial and all Urban environment.

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

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

8. Public access should be designed to avoid or minimize adverse impacts to the shoreline environment; to minimize impacts to private property and individual privacy; to distinguish between public and private property; and to ensure public safety.

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

10. Shoreline and water views from public upland areas should be preserved and enhanced where it would not risk environmental damage. However, vegetation removal should achieve a filtered view and should not be excessive.

H. Shorelines of State-wide Significance

Purpose

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

Applicability

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

Policies (In order of preference)

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

- a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines, and to upland parking.
 - b. Locate development landward of the ordinary high water mark.
 - c. Limit public access when environmental or habitat values warrant such limitations.
6. Increase recreational opportunities for the public on the shoreline.
- a. Plan for and encourage development of facilities for recreational use of the shorelines.

I. Signs

Applicability

Signs are regulated through BIMC 15.08, Sign Code. The following policies apply to all signs within the jurisdiction of the Shoreline Master Program, including signs used for the purpose of providing information related specifically to enhancing the public enjoyment of the shorelines through education and/or noting areas of special cultural or historical significance. These policies do not apply to publicly owned signs where the purpose is to provide information regarding safety, direction, directions, and the like.

Policies

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

J. Water Quality

Principles

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

Applicability

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

Policies

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

1. Require all shoreline uses and activities, and developments to be located, designed, constructed, and maintained to avoid or minimize adverse impacts to water quality, quantity, or hydrology.
2. Ensure that shoreline uses, activities, and developments are consistent with the City's Stormwater Management Plan and Stormwater Ordinances. Protect ecological functions and/or processes by avoiding and minimizing adverse impacts to water quality through shoreline vegetation conservation management zones and stormwater management.
3. Use effective public education programs, site planning and best management practices to avoid or minimize the need for chemical fertilizers, pesticides, herbicides, fungicides that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions.
4. Encourage the use of low impact development techniques as water quality treatment of surface water runoff, unless precluded by soil conditions, slope or other sensitive area conditions.

Section K. Shoreline Restoration and Enhancement

Applicability

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

Goal: Over time, create net ecosystem-wide improvement in the shoreline environment by improving impaired shoreline ecological functions and processes, which have been degraded or diminished. This will be accomplished through voluntary and incentive-based public and private programs and actions that restore and enhance shoreline areas prioritized through a restoration plan.

1. Restoration and enhancement actions will improve shoreline ecological functions and processes and should be designed using principles of landscape and conservation ecology. The primary goal being to restore and/or enhance physical and biological ecosystem-wide processes that create and sustain shoreline habitat structures and functions.
2. Encourage and facilitate cooperative shoreline restoration and enhancement programs between local, state, and federal agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.

3. Target restoration and enhancement actions to improve habitat requirements of priority species, such as Chinook and other species; and/or locally important plant, fish and wildlife species; and/or other populations or habitats for which a prioritized restoration or recovery plan is available.
4. Integrate restoration and enhancement with other natural resource management efforts such as Puget Sound Salmon recovery planning, West Sound Watershed planning and WRIA 15 Watershed Management planning.
5. As feasible, include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline through project mitigation and incentive-based restoration.
6. Seek funding from state, federal, private and other sources to implement restoration and enhancement, and provide support to restoration work, by identifying shoreline restoration priorities and organizing information on available funding sources for restoration implementation.
7. Encourage restoration and enhancement projects by developing project permitting and processing guidelines that will streamline the review of restoration-only projects.
8. Explore the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.
9. All shoreline restoration and enhancement projects should avoid adverse impacts to existing saltwater critical areas, fish and wildlife habitat conservation areas, water quality, and flood holding capacities.
10. Shoreline restoration and enhancement projects are intended to restore or enhance a shoreline in conjunction with shoreline stabilization, recreational enhancement, and aquatic habitat creation or restoration, and shall not be utilized to create new land area along the shoreline below the OHWM or to raise the elevation to create dry upland areas.
11. Supplementary beach nourishment should be encouraged where existing shoreline stabilization is likely to increase impoverishment of existing beach materials at or downdrift from the project site and should be coordinated with an Island-wide shoreline restoration plan.
12. Shoreline stabilization should incorporate beach restoration or enhancement in accordance with the restoration provisions of this master program.

L. Nonconforming Development

Applicability

This section applies to shoreline uses or structures which were lawfully constructed or established prior to the effective date of the Master Program, but which do not conform to

present regulations or standards of the Master Program or the policies of the Shoreline Management Act.

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

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

Section V

SPECIFIC SHORELINE USE POLICIES AND REGULATIONS

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

B. Agriculture

Applicability

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

Policies

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

C. Aquaculture

Applicability

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

Policies

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

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

3. Limit aquaculture, including intensive shellfish aquaculture to activities that do not create adverse impacts to ecological functions and ecosystem-wide process.-Prohibit aquaculture where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact City and State critical habitat areas and other habitat conservation areas; or interfere with navigation or other water-dependent uses.
4. Aquaculture should be prohibited in the following areas:
 - a. Areas where aquaculture development would have potential adverse impacts on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.
 - b. Areas where an aquacultural proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.
 - c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include, but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research.
 - d. Areas that have water quality, temperature, oxygen content, current, and salinity restrictions that make the areas unsuitable for the type(s) of aquaculture under consideration.
 - e. Areas that have little natural potential for the type(s) of aquaculture under consideration.
5. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts. In general, preference will be given to:
 - a. Projects that require the least structures, submerged structures, or intertidal structures over those that involve substantial floating structures.
 - b. Projects that require few land-based facilities over those that require extensive facilities.
 - c. Projects that involve little or no substrate modification over those that involve substantial modification.
 - d. Projects that do not rely on artificial feeding over those that do require artificial feeding.
6. Ensure installation of net-pens, raft cultures or surface embedded structures do not cause cumulative environmental impacts and aesthetic impacts, or interfere with navigation.

D. Boating Facilities

Applicability

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

Accessory uses found in marinas may include fuel docks and storage, boating equipment sales

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

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

Policies

1. Boating facilities, including marinas and boat launch ramps, are priority water-dependent uses and should be located, designed, and operated with appropriate mitigation to avoid and minimize adverse effects on shoreline functions and processes; prevent conflicts with navigation and other allowed uses; and provide public access and enjoyment of water of the state. B
2. Locate new or expanding boating facilities only where suitable environmental conditions are present. Avoid:
 - Critical saltwater habitat including kelp beds, eelgrass beds, spawning areas for forage fish (such as herring, surf smelt and sandlance);
 - Subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants;
 - Areas with which priority species have a primary association; and
 - Areas which have been identified as hazardous due to storm tides, high winds, or flooding and in embayments with poor flushing action.
3. Design and locate boating facilities to minimize adverse effects upon shoreline processes such as erosion, littoral or riparian transport, and should, where feasible, enhance degraded, scarce, and valuable shore features including accretion shoreforms
4. Design, locate, construct, and maintain boating facilities to avoid adverse proximity impacts such as noise, light and glare; to assure that their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views from adjacent shoreline properties or the public's visual access to the shore. Vegetation screening should be utilized to reduce visual impacts of associated parking and storage.
5. Consider regional as well as local needs when determining the location of marinas and boat launches. Identify potential sites near high-use or potentially high-use.
6. Consumption of limited shoreline resources should be minimized by considering:
 - a. The expansion of existing marinas over the addition of new marina sites;
 - b. The development of marinas and launch ramps over the development of individual docking facilities for private, noncommercial pleasure craft; and
 - c. The use of launching ramps and recreational boat dry storage or other new technologies over year-round wet-moorage.
7. The location and design of boating facilities should not unduly obstruct navigable waters, and should avoid adverse effects to recreational opportunities or the use and enjoyment of

the water or beach on adjoining properties.

8. Design, locate and construct new marina facilities to accommodate public access and enjoyment of the shoreline, including provisions for walkways, view points, restroom facilities, and other recreational uses according to the scale of the facility.
9. Encourage innovative construction techniques and open-type construction of foreshore marinas-to prevent degradation of fish and/or shellfish resources and habitat.
10. Require the installation and maintenance of sewage disposal (pump-out) facilities or services. These should be conveniently available to all users of marina facilities.
11. Prohibit floating homes. Allow houseboats and live-aboard vessels only in those limited circumstances where their environmental and use impacts can be substantially avoided, minimized, or mitigated. Prohibit floating homes.
- 12.. Transient moorage should be made available, with most of this need being met through use of short-term vacancies.

E. Commercial Development

Applicability

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

Policies

1. Design and operate commercial uses, activities and developments to avoid or minimize adverse impacts to ecological functions and ecosystem wide processes. As mitigation for commercial development, restoration of impaired ecological functions and ecosystem wide process should be encouraged.
2. Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline; preference should first be given to water-dependent uses, then to water-related and water enjoyment uses.
3. Discourage nonwater-oriented commercial uses, unless the use contains a mix of commercial and residential development that also includes either a public use benefit (open space, shoreline access, recreation), or a water enjoyment commercial use.
4. Prohibit over water commercial developments unless the use is water-dependent and requires over-water development.
5. Locate new commercial development on shorelines areas with existing, compatible commercial uses and in a manner that will promote infill.

6. Provide physical or visual access to the shoreline as part of all new commercial **development**. Existing development should be required to provide public access amenities when building improvements are proposed. Incentives for commercial use proposals to include additional public amenities should be provided.
7. Commercial development should be aesthetically and acoustically compatible with the surrounding area.
8. View protection both to the water and from the water should be considered in the design and review of commercial development.

F. Flood Hazard

Applicability

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

Policies

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

G. Forest Practices

Applicability

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

Policies

1. The City should rely on the Forest Practice Act and rules implementing the act and the Forest and Fish Report as adequate management of commercial operations within the shoreline jurisdiction.
2. Timber harvesting practices should be conducted in a manner that does not cause adverse impacts to shoreline ecological function or ecosystem wide processes and avoids impacts to navigation, recreation and public access.
3. Timber harvest in all shoreline areas should be limited to selective cutting which protects the shoreline as a scenic view. Shorelines having outstanding scenic or habitat qualities should be left in a substantially natural condition.
4. Revegetation in shorelines should be accomplished as quickly as possible in accordance with the provisions of Forest Practice Act. For provisions applying to forest conversion (Class IV Permits regulated under the Forest Practices Act and locally) ,see Section xxx Vegetation Conservation and Management Zones.

H. Industry

Applicability

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

Policies

1. Review new industrial proposals with consideration of regional and state-wide needs for industrial facilities as well as in allocating shorelines for such development. Coordinate with port districts, adjacent counties and cities, and the State in order to minimize new industrial development which would unnecessarily duplicate under-utilized facilities elsewhere in the region or result in unnecessary adverse impacts on other jurisdictions.
2. Encourage expansion or redevelopment of existing, legally established industrial areas, facilities, and services with the possibility of incorporating mixed-use development ~~over~~ in lieu of the addition and/or location of new or single-purpose industrial facilities.
3. Strongly encourage joint use of piers, cargo handling, storage, parking, and other accessory facilities among private or public entities in waterfront industrial areas.
4. Design and locate industrial development to avoid or minimize adverse impacts to ecological functions and ecosystem wide processes.

5. Require new industrial development to provide physical and/or visual access to shorelines and visual access to facilities whenever possible, and when such access does not cause significant interference with operations or hazards to life and property.
6. Preference should be given to locating new industrial development on those parts of the shoreline where industrial development is already permitted. Industrial uses and redevelopment are encouraged to locate where environmental cleanup and restoration can be accomplished.
7. Limit new industrial uses to existing industrial or water dependant commercial sites, such as marinas, where that use is consistent with the shoreline designation. Preferred industrial sites should be limited to water oriented uses, and encourage the development of preferred industrial uses such as small boat haul-out and repair facilities, vessel fueling facilities and water-oriented industry serving local boating needs.
8. Discourage nonwater-oriented uses unless use is in a mixed-use development containing a public use benefit such as open space or recreation use and includes a water oriented commercial use.

I. Mining

Applicability

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

Policies

Mining is prohibited within the shoreline jurisdiction.

J. Recreational Development

Applicability

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

Policies

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

1. Public recreation on public lands is a preferred use of the shoreline. Water-dependent

recreational uses, such as swimming, boating and fishing, are priority uses and should be encouraged.

2. Encourage the coordination of local, State and Federal recreation planning to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
3. The location and design of shoreline recreational developments should relate to local population characteristics, density, and special activity demands. Acquisition priorities should consider these needs, demands, and special opportunities as well as public transit access and access for the physically impaired, where planned or available.
4. Identify shoreline areas with potential for recreation or public access. Acquire identified areas through lease, purchase, or easement and incorporate these areas into the public park and open space system.
5. Encourage a variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
6. Where feasible link shoreline parks, recreation areas, and public access points as linear systems, such as hiking paths, bicycle paths, easements and/or scenic drives.
7. Locate, design and operate recreational developments to facilitate appropriate use of shoreline resources while also conserving those resources by minimizing adverse impacts to ecological functions and ecosystem-wide processes. Design recreational development to preserve enhance or create scenic shoreline views and vistas.
8. Where appropriate, passive recreational uses may be permitted in floodplain areas.
9. Encourage the use of shoreline road ends and publicly owned lands for public shoreline access and promote the development of shoreline recreational opportunities at suitable
11. Shoreline use of off-road recreational vehicle or recreational water equipment, such as jet skis and wake boards, should be limited or prohibited where needed to protect the ecological functions of the shoreline or sensitive wildlife habitat.
12. All recreational developments should make adequate provisions for:
 - a. Vehicular and pedestrian access, both on-site and off-site;
 - b. Proper wastewater and solid waste disposal methods;
 - c. Security and fire protection;
 - d. The prevention of overflow and trespass onto adjacent properties, including, but not limited to, landscaping, fencing, and posting of property; and
 - e. Screening and native vegetation zoning of such development from adjacent private property.
13. Trails and pathways on steep shoreline bluffs should be located, designed, and maintained to protect bank stability.
14. Protect and restore publicly owned natural resource areas located within the shoreline area.
15. Promote shoreline conservation through acquisition, preservation, and rehabilitation of important natural areas and manage natural areas of public shoreline parks to protect and restore ecological functions, values and features.

17. Use best management practices and low impact development technologies in the construction, maintenance and renovation of recreational facilities and grounds for public shoreline parks.

18. Incorporate opportunities for educational and interpretive information regarding shoreline ecological functions and processes in the design and operation of public recreation facilities and other amenities such as nature trails.

K. Residential Development

Applicability

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

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

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

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

Policies

1. Single-family residential use is a priority use in the shoreline. Develop single-family residences in a manner consistent with producing no net loss of shoreline functions or ecosystem-wide processes, and in conformance with the requirements of this Shoreline Master Program.
2. Residential development should be located where there are suitable provisions for utilities, circulation and access and should be designed to:
 - * Maintain or improve ecological functions and processes to assure no net loss; and
 - * Provide building setbacks; and
 - * Preserve and enhance shoreline vegetation; and

- * Protect water quality; and,
 - * Control erosion and provide stormwater management; and
 - * Provide ample open space in side yards to preserve views from both the land and water.
3. The overall density of development, location of structures and access, lot coverage, and height should be consistent with Bainbridge Island Comprehensive Plan goals and policies, and this Program, and should be appropriate to the physical capabilities and characteristics of the site.
 4. Design and locate residential structures and appurtenances such that:
 - * visual and physical features are compatible with adjacent cultural and shoreline attributes;
 - * shoreline open space, views from the shoreline, and vistas of the shoreline are preserved;
 - * structures are visually compatible with adjacent cultural and shoreline features, reasonable in size and purpose; and
 - * impacts on the environment result in no net loss to shoreline ecological functions and processes.
 5. Development of side yards should be restricted in order to preserve vegetation between developments, mitigate the effect of a "wall" of structures along the shoreline, and enhance public and private view potential.
 6. When waterfront properties are divided, common access to the water should be provided to all resulting lots.
 7. New residential development and accessory uses should be prohibited from locating in critical areas (and their vegetation conservation and management zones) including marshes, bogs, swamps, mud flats, steep or unstable slopes, floodways, fish and wildlife habitat, migratory routes and spawning areas, and marine vegetation areas.
 8. New overwater residences are not permitted. Existing, legally established overwater residences should not be enlarged or expanded.
 9. New residential land subdivisions within the shoreline shall be configured to prevent the loss of shoreline ecological functions at full build-out of the subdivision; to reduce the impacts to shoreline processes by preventing the need for new shoreline stabilization or flood hazard reduction measures; maintain waterfront areas for the common use of all property owners within the development, and, if creating four or more lots, to provide public access to the shoreline.
 10. New multi-family residential development shall provide public access to the shoreline.
 11. Residential development should include measures to protect existing native vegetation and/or restore vegetation along shorelines. Conservation measures should require that residential development avoid, minimize, mitigate, or restore shoreline vegetation functions and achieve no net loss of shoreline ecological functions and processes. Vegetation conservation may include avoidance or minimization of clearing or grading, restoration of shoreline vegetation, and/or control of invasive or non-native vegetation.

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

L. Transportation Facilities

Applicability

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

Policies

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

M. Utilities (Primary and Accessory)

Applicability

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

Section XXX Critical Areas, Section IV, Environment Designations, and Section VI, Shoreline Modification Policies and Regulations also apply.

Primary Utility Policies

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

Accessory Utilities Policies

1. Install and operate onsite utilities to protect the shoreline and water from degradation.
2. Locate onsite utility facilities and rights-of-way outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
3. Design and locate onsite utility facilities in a manner which preserves the shoreline

ecology and the natural landscape to avoid and minimize adverse affects to shoreline ecological functions and minimizes conflicts with existing or planned land uses.

Section VI

SHORELINE MODIFICATION POLICIES AND REGULATIONS

A. General Shoreline Modification Provisions

Applicability

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

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

Policies

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

1. Allow structural shoreline modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions. Require mitigation of identified impacts resulting from shoreline modifications.
5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

6. Avoid and reduce significant ecological impacts according to the mitigation sequence in Section XXX.
7. Shoreline modification projects should provide for long-term multiple use and shoreline public access, where appropriate.
8. Natural features such as snags and stumps which support fish and other aquatic systems, and which do not intrude on navigational uses or threaten other permitted uses, should be left undisturbed except in cases of an approved beach stabilization project.

B. Shoreline Stabilization

Principles

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

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

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

Structural methods can be “hard” or “soft”. “Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on less rigid materials, such as bioengineering vegetation measures or beach enhancement. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

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

“Soft”

- | | |
|----------------------------|----------------------------|
| • Upland drainage control; | • Bioengineering measures; |
| • Vegetation enhancement; | • Anchor trees; and |
| • Beach enhancement; | • Gravel placement. |

“Hard”

- | | |
|------------------------------------|------------------|
| • Rock revetments; | • Bulkheads; and |
| • Gabions; | • Seawalls. |
| • Groins (rock or concrete); | |
| • Retaining walls and bluff walls; | |

Applicability

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

General Policies

1. Discourage shoreline stabilization, particularly “hard” structural stabilization, through application of appropriate shoreline environment use designations, development standards, and public outreach.
2. Design, locate, size and construct new or replacement-shoreline stabilization to minimize and mitigate adverse impacts on shoreline ecological functions and shoreline ecosystem-wide processes. An evaluation of the proposal should consider causes and effects of erosion, including upland erosion, and beach dynamics, such as sediment conveyance, geo-hydraulic processes and ecological relationships, and address these on a reach-specific basis.
3. Design and locate new development, including the creation of new lots, in a manner that prevents the need for shoreline stabilization and armoring.
4. Structural shoreline stabilization should be permitted only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established structures, primary uses or public improvements in danger of loss, and when it can be demonstrated that there are no alternative options to the proposed shoreline stabilization that have less impact on the shoreline environment.
5. Existing “hard” armoring and shoreline stabilization structures may be replaced if there is a demonstrated need to protect principal uses or structures from erosion and the replacement structure is designed, located, sized and constructed to assure no net loss of ecological functions.
6. Preference is given to those types of shoreline stabilization that have a lesser impact on ecological functions. To protect ecological functions, alternatives to shoreline stabilizations should be considered and be based on the following sequencing of solutions:
 - Avoidance (allow the shoreline to retreat naturally, increase building setbacks or relocate structures).
 - Flexible defense works constructed of natural materials including “soft” shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilizations.
 - Combination of “soft” and structural “hard” shoreline stabilization measures, which excludes structural stabilization below the ordinary high water mark.
 - “Hard” structural stabilization, or rigid works constructed of artificial materials such as riprap or concrete.

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

7. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, incorporate ecological restoration and public access improvements into the project.
8. Shoreline armoring should not be constructed waterward of feeder bluffs.
9. Encourage neighboring property owners to coordinate planning and development of shoreline stabilization or other solutions for an entire drift sector or shoreline reach, to avoid erosion of down-drift properties and to address ecological and geo-hydraulic processes, sediment conveyance, and beach management.
10. Where feasible, any failing, harmful, unnecessary, or ineffective structures should be removed and shoreline ecological functions and process should be restored consistent with the priorities of an ecosystem-wide restoration plan, and replace using shoreline stabilization measures that result in less impact to shoreline ecological functions and processes.
11. Encourage non-structural stabilization using non-regulatory methods, to protect, enhance, and restore shoreline ecological functions and other shoreline resources. Non-regulatory methods should include incentives programs to utilize low impact development techniques and habitat/resource planning, voluntary enhancement and restoration projects, or programs that provide technical assistance and education to shoreline property owners.
12. Shoreline stabilization should incorporate beach restoration or enhancement in accordance with the restoration provisions of this master program.

D. Dredging and Dredge Material Disposal

Applicability

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

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

compliance with regulations of the Act and the Master Program.

Policies

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

1. Design and locate new development to avoid dredging and discourage operations, including disposal of dredge materials. When dredging cannot be avoided, the operations and dredged material disposal shall be located and conducted in a manner which minimizes damage to the existing ecology and natural resources of both the area to be dredged, and to the disposal site. D
2. Dredging of bottom materials for the primary purpose of obtaining fill material is prohibited except for projects associated with state or federal environmental remediation operations or authorized habitat restoration.
3. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
 - a) Dredging for the purpose of establishing, expanding, relocating or reconfiguring a navigation channel should be allowed where necessary to assure safe and efficient accommodation of existing or proposed navigational uses and then only when ecological impacts are minimized and mitigation is provided to offset adverse impacts..
 - b) Maintenance dredging of established navigation channels should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

E. Landfill

Applicability

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

Policies

1. Landfill waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses and/or cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan, and should be allowed only through a conditional use permit.
2. Landfill landward of OHWM should be permitted when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
3. Shoreline fills must be limited to the minimum extent necessary to accommodate an approved shoreline use or development and should be designed and located so that there will be no significant damage to existing natural resources, including surface water

drainage systems, and with assurance of no net loss of shoreline ecological functions and processes.

4. The evaluation of fill projects must address the following factors:
 - a. Impacts to shoreline ecological functions and ecosystem-wide processes;
 - b. Conflict with potential and current public use of the shoreline and water surface area as identified in adopted City plans, policies, and programs; and
 - c. Navigation restriction.
5. Fill projects must be designed to avoid or eliminate erosion and sedimentation impacts, both during initial landfill activities and over time.

F. Overwater Structures

Applicability

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

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

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

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

Policies

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

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

1. Encourage multiple use and expansion of existing conforming piers, docks, and floats over the addition and/or proliferation of new facilities. Joint use facilities are preferred over new, single-use piers, docks, and floats.
2. Mooring buoys are encouraged in preference to either piers or docks. Locate and design buoy installation to avoid or minimize adverse impacts on ecological functions and ecosystem-wide processes.

3. Locate and design piers, floats, and docks to avoid and minimize possible adverse impacts on ecological functions, including fish and wildlife habitat, and impacts to ecosystem-wide; and shoreline processes such as, littoral drift and sand movement. Ensure that piers, floats and docks are:
 - a) Designed in consideration of the proposed intensity of use, the shoreline characteristics, tidal action, aesthetics and minimization of impacts to adjacent land and public use of the waters of the state.
 - b) Prohibited at locations where critical physical limitations exist, such as shallow, sloping bottoms; areas of frequent high wind, wave, or current exposure; high littoral drift areas; or slide prone and/or feeder bluffs.
 - c) Designed and maintained to mitigate adverse impacts to the environment such as eelgrass beds and fish habitats, shoreline aesthetics, and, water quality, and to minimize interference with navigable waters and the public's use of the water and shoreline. Design considerations should:
 - i. Limit pier and float width to extent necessary for the intended use;
 - ii. Provide functional grating for light penetration;
 - iii. Configure pier and float orientation to minimize shading;
 - iv. Prohibit auxiliary structures on piers and floats;
 - v. Provide a mechanism to prevent floats from resting on beach;
 - vi. Encapsulate floatation to prevent to breakup and loss of material; and
 - vii. Use a site specific span distance to avoid adverse impacts salt water critical habitat.
 - d) Designed, constructed, and maintained to provide a reasonable level of safety to users.
4. Proponents of commercial pier, float, and dock projects are encouraged to provide for public docking, launching, or recreational access.
5. Encourage the development of public docks with floats at appropriate road end locations. Local programs and coordinated efforts among private and/or public agencies should be initiated to develop new public access docks, and to remove or repair failing, hazardous, or nonfunctioning piers and docks and restore such facilities and/or shore resources to a natural and/or safe condition.
6. Encourage the use of natural materials in pier and dock construction. Chemical wood treatments, such as creosote or pentachlorophenol are prohibited on all new structures or repair projects. Plastics and other nonbiodegradable materials may be used; however, precautions should be taken to ensure their containment.
7. Implement an education program for boat owners and operators on best management practices for use of boat maintenance and overwater structure maintenance products.
8. Limit the development of new docks and piers in harbors and encourage public docks and private community docks, except that:

- a) In Blakely Harbor new docks shall be prohibited between Restoration Point and the most eastern point along the north shore of Blakely Harbor;
- b) In Blakely Harbor two community docks should be allowed, one along each the north and south shores, provided that all residents along each shore are provided a non-extinguishable option to access the community dock located along their respective shore; and
- c) One small public dock and/or pier for the mooring of dinghies and loading or unloading of vessels should be allowed for daytime use.