

## **POLICY REVIEW**

*Provided by T.  
Brotherton for 3/4/09  
Planning  
Commission meeting*

As shown below the policies in the proposed draft SMP have an enormous amount of redundancy both internally and with other JCC regulations.

The text in blue is my recommendation for addition.

The text in red with strikethrough is recommended for deletion.

The deletion recommendations are primarily for redundancy, but sometimes because the text establishes a policy that is beyond the scope of the SMP. For example,

~~6.2.3 “Tribal, federal, state, educational institutions and local governments should cooperate to maintain an inventory of all known significant local HACSE sites and resources.”~~

is recommended for removal because it tries to impose a duty on other agencies, which is impossible.

Incorporation of these changes will result in a significant reduction of the bulk of the document and make no substantive changes in its impact on regulation.

**I WILL BE MAKING A MOTION TO INCORPORATE THESE CHANGES INTO THE DRAFT SMP AT THE NEXT MEETING, SO PLEASE COME WITH SUGGESTIONS FOR IMPROVING IT.**

**SIGNED/TOM BROTHERTON**

## ARTICLE 6 – GENERAL POLICIES AND REGULATIONS

The policies and regulations in this Article apply to all uses and developments in all shoreline environments. The policies and regulations are not listed in order of priority. These policies and regulations:

- Help to implement the Master Program goals in Article 3; and
- Are informed by the governing principles in Article 1; and
- Work in concert with all the other policies and regulations contained in this Program; and
- Are based on the state shoreline guidelines (WAC 173-26).
- **General Policies:**
  1. Jefferson County will actively seek to enable all requests for use of, and access to, the shoreline and waters that will not adversely affect the ecology through liberal interpretation of regulations and giving full credit to evaluations of site specific impacts and analyses by licensed professionals.
  2. Single-family residences rising less than 35 feet above grade, and their appurtenant structures are permitted in the shoreline area if designed, located, constructed, and maintained to minimize impact to the ecology and to minimize likelihood of future erosion damage. In the future, bulkheads to protect them from erosion will be permitted if that is the only feasible alternative.
  3. All structures should be located, designed, constructed, and maintained in a manner that minimizes current and future adverse impacts on shoreline and marine ecology; and is compatible with recreation and navigation.
  4. Proposals with unavoidable adverse impacts on ecological functions must include mitigation. Jefferson County will liberally interpret mitigation efforts and accept economically feasible efforts that eliminate most of the impact.
  5. Dredging, disposal of dredge material, and filling should only be allowed when alternatives are infeasible and when:
    - i. Necessary to support an existing legal use or a proposed water-dependent use or essential public infrastructure/facility; or
    - ii. Part of a clean-up program required under the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act; or
    - iii. Part of an approved ecological restoration or enhancement project; or
    - iv. Part of an approved beach nourishment project; or
    - v. Required to provide public access or water-oriented public recreation.

6. In-stream structures are permitted only when they improve or preserve ecological function.
7. Facilities associated with commercial, industrial, or port uses, residential subdivisions and multifamily housing should include public access.
8. Nothing in this program will affect any agricultural activity on any parcel of land currently being used for agricultural activities.
9. Commercial, industrial, and port development should be visually compatible with adjacent noncommercial properties and provide public access. Restoration of impaired shoreline ecological functions and processes should be provided by commercial development.
10. Only pervious surfacing should be used for roads, paths, and parking areas.
11. Clearing of shoreline vegetation is only permitted if a geotechnical report indicates there will be no adverse impacts to the ecology and all recommendations for vegetation management are incorporated in the project plan.
12. The introduction of any chemical onto the surface or into ground water will be prohibited.

## 1. Critical Areas, Shoreline Buffers, and Ecological Protection

### A. Policies

- ~~1. All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts on the shoreline environment. Uses and developments that may cause the future ecological condition to become worse than current condition should not be allowed.~~
2. In assessing the potential for new uses and developments to cause adverse impacts, the County ~~shall~~ **may** 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.
- ~~3. Use and development should be discouraged in areas that are ecologically valuable, hazardous, and/or that possess rare or fragile natural features.~~
- ~~4. The County shall work with other local, state, and federal regulatory agencies and resource management agencies to ensure that mitigation actions carried out in support of this Program are successful and achieve~~

~~beneficial ecological outcomes. This includes assisting applicants/proponents in planning, designing and implementing mitigation efforts and working cooperatively to track and monitor the results of mitigation activities.~~

## 2. **Historic, Archeological, Cultural, Scientific and Educational Resources**<sup>1</sup>

### A. Policies

1. Historic, archaeological, cultural, scientific and educational (HACSE) sites and resources should be protected, preserved, and where possible, restored. All use and development on sites containing HACSE resources should be planned and carried out so as to prevent adverse impacts to the resource(s).
2. To prevent adverse impacts on HACSE resources, proponents of all new shoreline use and development should consult the County Department of Community Development prior to beginning any project or activity.
3. ~~Tribal, federal, state, educational institutions and local governments should cooperate to maintain an inventory of all known significant local HACSE sites and resources.~~
4. The location of historic, cultural and/or archaeological sites/resources should not be disclosed to the general public, consistent with applicable state and federal laws.
5. ~~When HACSE sites/resources occur on public lands they should be accessible to the public and used for research or educational purposes consistent with the public access provisions of this Program and applicable tribal access policies. Private owners of HACSE sites/resources are encouraged to provide access and educational opportunities when appropriate.~~
6. If development is proposed adjacent to an identified HACSE site/resource, then the proposed development should be designed and operated so as to be compatible with continued protection of the site/resource.

## 3. **Public Access**

### A. Policies

1. Providing public access to shorelines is a primary goal of the Shoreline Management Act. Jefferson County actively supports public and private efforts making better use of existing facilities/opportunities. Strategic efforts to find and fund new shoreline public access are encouraged to meet increasing demands by a growing populace. Increasing all types of public access is a priority for the County.

---

<sup>1</sup> These provisions complement and in some cases go beyond the requirements of JCC Chapter 18.30.160 and 18.15.090. Additional consolidation of regulations may be warranted. Further consultation with local, state and tribal experts is pending.

- ~~2. The County should prepare a comprehensive shoreline public access plan in cooperation with appropriate local, state and non-governmental agencies/organizations, and the general public.~~
- ~~3. The County should work with appropriate agencies and individuals to acquire lands that can provide physical access to the water for substantial numbers of people.~~
4. Shoreline development by public entities, such as local governments, port districts, state agencies, and public utility districts, should provide public access as part of each development project, unless such access is shown to be incompatible with the Program due to reasons of safety, security, or adverse impacts to shoreline functions and processes.
- ~~5. Shoreline development by private entities should provide public access when the development would either generate a demand for one or more forms of such access, and/or would impair existing legal access opportunities or rights.~~
- ~~6. Single-family residential developments with four (4) or fewer lots/units should not be required to provide public access.~~
- ~~7. Public health and safety concerns associated with public access sites should be adequately mitigated and appropriate precautions taken to prevent adverse impacts on shoreline ecological functions and/or processes.~~
- ~~8. Efforts to implement the public access provisions of this section should be consistent with all relevant constitutional and other legal limitations on regulation of private property.~~
- ~~9. Public access requirements on privately owned lands should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.~~
10. Where feasible, providers of shoreline public access should:
  - ~~i. Locate and design public access improvements in a manner that is compatible with the natural shoreline character and avoids adverse impacts to shoreline ecological functions and processes; and~~
  - ~~ii. Ensure public access improvements and amenities are safe, respect individual privacy, and avoid or minimize visual impacts from neighboring properties; and~~
  - ~~iii. Provide maps and orientation information to inform the public of the presence and location of privately held tidelands, especially those adjacent to public access and recreational areas; and~~
  - ~~iv. Incorporate programs, signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historical or cultural significance.~~

## 4. Vegetation Conservation

### A. Policies

- ~~1. Maintaining native shoreline vegetation is an important goal of this Program. The policies and regulations of this section are intended to ensure well-vegetated, stable shorelines that provide habitat and other ecological benefits and resemble natural, unaltered shorelines.~~
- ~~2. New uses and/or developments should be designed to preserve native shoreline vegetation to maintain shoreline ecological functions and processes and prevent direct, indirect and/or cumulative impacts of shoreline development.~~
- ~~3. New uses and/or developments should establish new vegetation such that the composition, structure, and density of the plant community resemble a natural, unaltered shoreline as much as possible.~~
- ~~4. Maintaining well-vegetated shorelines is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that an unobstructed view of the water is guaranteed.~~
- ~~5. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. Maintaining native plant communities is preferred over non-native ornamental plantings because native plants have greater ecological value.~~
- ~~6. Prior to granting a shoreline permit or determining that a proposed use/development is exempt from permitting, the County should evaluate site plans to determine the extent to which the vegetation is conserved. As needed, the County shall condition approval of new developments to ensure the following:
  - ~~i. Native plant communities on marine, river, and lake shorelines are preserved; and~~
  - ~~ii. Overhanging trees along shorelines are kept intact to provide shading and other ecological functions; and~~
  - ~~iii. Established areas of native plants are preserved to maintain slope stability and prevent surface erosion; and~~
  - ~~iv. Structures and associated development are placed in areas that avoid disturbance of established native plants, especially trees and shrubs; and~~
  - ~~v. Clearing and grading near bluff edges and other erosion or landslide-prone areas is minimized to prevent slope instability; and~~
  - ~~vi. Shoreline development proposals incorporate provisions for removing invasive or non-native species and planting native species when doing so would improve ecological functions and processes.~~~~

## 5. Water Quality and Quantity

1. Policies
2. The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long term.
3. Shoreline use and development should minimize, through effective education, site planning and maintenance, the need for chemical fertilizers, pesticides, herbicides or other similar chemical treatments that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions and values.
4. Appropriate buffers along all wetlands, streams, lakes, and marine water bodies should be provided and maintained in a manner that avoids the need for chemical treatment.
5. Potential adverse effects of agricultural activities on water quality should be minimized by implementing best management practices, buffers and other appropriate measures.
6. Effective erosion control and water runoff treatment methods should be provided for all shoreline development and use in accordance with JCC Chapter 18.30.070.

## 6. Shoreline Setbacks and Height

1. Policies
2. Standards for density, setbacks, height, and other provisions should ensure no net loss of shoreline ecological functions and/or processes and preserve the existing character of the shoreline consistent with the purpose of the applicable Shoreline Environment Designation.

# ARTICLE 7 – SHORELINE MODIFICATIONS POLICIES AND REGULATIONS

## 1. Beach Access Structures

3. Policies
4. Beach access structures, as defined in Article 2, should be located, designed and maintained in a manner that minimizes adverse effects on shoreline ecology.
5. Jefferson County recognizes a balance has to be found between enabling pedestrian access to beach areas and protecting fragile shoreline ecosystems.
6. Neighboring property owners are encouraged to combine resources to collectively propose beach access structures in appropriate locations for shared use.

- ~~7. Beach access structures should not be permitted until and unless their effects on stream, lake or marine shoreline functions and processes, including any adverse impacts on adjoining lands and properties, are fully evaluated and mitigated. All proposals for structures that link upland areas with adjacent beaches shall be carefully evaluated by the criteria and regulations in this section.~~
- ~~8. Beach access structures may not be appropriate in some areas because of safety hazards or sensitive ecological conditions. The County should not permit these structures in areas where there are expected risks to human health and safety or adverse impacts on shoreline functions and processes. Some properties will have view only access to the neighboring waters.~~
- ~~9. Beach access structures should conform to the existing topography, minimize adverse impacts on shoreline aesthetics, and minimize clearing and grading to the maximum extent feasible.~~
- ~~10. Beach access structures should not be allowed if there is a reasonable likelihood that they will require structural protection or armoring in the future. Work in concert with all the other policies and regulations contained in this Program; and Are based on the state shoreline guidelines (WAC 173-26).~~

## **7. Boating Facilities: Boat Launches, Docks, Piers, Floats, Lifts, Marinas, and Mooring Buoys**

- A. Policies
  - ~~1. Boating facilities as defined in Article 2 should be located, designed and operated with appropriate mitigation to avoid adverse effects on shoreline functions and processes and prevent conflicts with other allowed uses.~~
  - ~~2. Boating facilities should not be located or expanded where they would:~~
  - ~~3. Impact critical habitats; or~~
  - ~~4. Substantially interfere with currents and/or net shoreline drift; or~~
  - ~~5. Cause significant adverse effects on aquatic habitat, biological functions, water quality, aesthetics, navigation, and/or neighboring uses.~~
  - ~~6. Docks and piers should not be allowed where shallow depths require excessive overwater length.~~
  - ~~7. The County should protect the natural character of the shoreline and prevent adverse ecological impacts caused by overwater structures by limiting the number of new docks/piers/floats and by controlling how and where they are designed and constructed.~~
8. To prevent the impacts associated with private docks, piers, floats, lifts and launch ramps and rails accessory to residential development;
  - i. Mooring buoys are generally preferred over docks, piers or floats; and
  - ii. Shared docks/piers/floats serving multiple properties are preferred over single-user docks/piers/floats serving a single property or parcel.

- iii. Public boat launches are preferred over private launch facilities. Rail and track launch systems are preferred over ramps.
- 9. ~~Boating facilities associated with commercial, industrial, or port uses, residential subdivisions and multifamily housing should include public access and contribute to the public's ability to view, touch, and travel on the waters of the state in accordance with Article 6 section 3 (Public Access) of this Program.~~
- 10. ~~The County should identify areas that are suitable for development and/or expansion of marinas and public boat launches and prevent them from being developed with non-water dependent uses having less stringent site requirements. This should be accomplished in a timely manner.~~
- 11. ~~Development of new marinas and public boat launch facilities should be coordinated with public access and recreation plans and should be co-located with port or other compatible water dependent uses where feasible. Affected parties and potential partners should be included in the planning process.~~
- 12. ~~When reviewing proposals for new or expanded marinas and public boat launches, the County should seek comment from public recreation providers, adjacent cities/counties, port districts, Washington State Parks, and the Washington State Departments of Ecology, Fish and Wildlife, Health, and Natural Resources, to ensure that local as well as regional recreation needs are addressed.~~
- 13. ~~The County should support the use of innovative and effective methods for protecting, enhancing, and restoring shoreline ecological functions and processes during the design, development and operation of new or expanded boating facilities. Such methods may include public facility and resource planning, education, voluntary protection and enhancement projects, and incentive programs.~~

## 8. Dredging

### A. Policies

- 1. ~~Dredging, as defined in Article 2, and disposal of dredge material should only be allowed when alternatives are infeasible and when the dredging/dredge disposal is:~~
  - i. ~~Necessary to support an existing legal use or a proposed water-dependent use or essential public infrastructure/facility; or~~
  - ii. ~~Part of a clean-up program required under the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act; or~~
  - iii. ~~Part of an approved ecological restoration or enhancement project;~~  
~~or~~
  - iv. ~~Part of an approved beach nourishment project; or~~
  - v. ~~Required to provide public access for a substantial number of people; or~~
  - vi. ~~Required to provide water-oriented public recreation for a substantial number of people.~~

2. When required to support an allowed use or development, dredging/dredge disposal should be the minimum needed to accommodate the allowed use or development for a reasonably foreseeable period of time.
3. When allowed, dredging and disposal operations should be planned, timed and implemented to minimize:
  - i. Adverse impacts to shoreline ecology; and
  - ii. Adverse impacts to in-water and adjacent upland uses; and
  - iii. Interference with navigation.
  - iv. Interference with existing or potential ecological restoration activities
4. ~~Dredging and dredge disposal should be consistent and coordinated with appropriate local, state and federal regulations to minimize duplication during the review process.~~
5. ~~Dredging and dredge disposal should not occur where they would interfere with existing or potential ecological restoration activities.~~
6. ~~Dredging and dredge disposal should occur where they will provide ecological benefits.~~

## 9. Filling and Excavation

### A. Policies

1. ~~Filling, as defined in Article 2, should only be allowed waterward of the ordinary high water mark when alternatives are infeasible and when the filling is:~~
  - i. ~~Necessary to support an approved water-dependent use or essential public infrastructure/facility; or~~
  - ii. ~~Part of an approved ecological restoration or enhancement project;~~  
~~or~~
  - iii. ~~Part of an approved aquaculture operation when the fill is required to improve production; or~~
  - iv. ~~Part of an approved beach nourishment project; or~~
  - v. ~~Required to provide public access for a substantial number of people; or~~
  - vi. ~~Required to provide water-oriented public recreation for a substantial number of people.~~
2. Filling and excavation should not be allowed where structural shoreline stabilization would be required to maintain the materials placed or excavated.
3. ~~When allowed,~~ Filling and excavation should be conducted so that water quality, habitat, hydrology, natural erosion rates, and runoff/drainage patterns are not adversely affected.

## 10. Flood Control Structures

### A. Policies

- ~~1. The County should prevent the need for flood control works by limiting new development in flood-prone areas.~~
- ~~2. New or expanded development or uses in the shoreline, including subdivision of land, that would likely require flood control structures within a stream, channel migration zone, or floodway should be prohibited.~~
- ~~3. Construction of new flood control structures should only be allowed where there is a documented need to protect an existing structure and mitigation is applied, consistent with this Program. New development should be designed and located to preclude the need for such flood control structures.~~
4. When evaluating the need for flood control structures such as traditional levees and/or dams, opportunities to remove or relocate existing developments and structures out of flood-prone areas should be pursued to the maximum extent feasible. Alternative measures, such as overflow corridors and setback levees, that may have less adverse impact on shoreline ecology should be considered before structural flood control measures can be approved.
- ~~5. Probable effects on ecological functions and processes should be fully evaluated for consistency with this Program before flood control structures are permitted.~~
- ~~6. Flood control structures are a necessary and appropriate means of protecting existing development only when all of the following are met:
  - ~~i. The primary use being protected is consistent with this Program; and~~
  - ~~ii. Non-structural flood hazard reduction measures are infeasible; and~~
  - ~~iii. Where such structures can be developed in a manner that is compatible with multiple use of streams; and~~
  - ~~iv. Where shoreline resources such as fish and wildlife habitat and recreation are protected in the long term.~~~~
7. ~~When proven necessary,~~ Flood control structures should be located, designed, and maintained ~~in a manner that to~~
  - ~~i. Minimizes adverse effects on shoreline ecology; and~~
  - ~~ii. Is compatible with navigation and recreation, especially in shorelines of statewide significance, provided that public safety and ecological protection are fully addressed; and~~

incorporate native vegetation to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management.
  - ~~iii. Non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to flood control structures. Non-regulatory methods may include public facility and resource planning, land or easement acquisition, education,~~

~~voluntary protection and enhancement projects, or incentive programs.~~

- ~~8. The County should continue to develop long-term, comprehensive flood hazard management plans in cooperation with other applicable agencies and persons to prevent flood damage, maintain the natural hydraulic capacity of streams and floodplains, and conserve or restore valuable, limited resources such as fish, water, soil, and recreation and scenic areas.~~
9. Planning and design of flood control structures should be consistent with and incorporate elements from adopted watershed management plans, restoration plans and/or surface water management plans.

## 11. In-stream Structures

1. Policies
- ~~2. Large scale in-stream structures such as hydroelectric dams and related facilities are discouraged in Jefferson County. Such facilities should not be permitted except in the rare instance where there is clear evidence that the benefits to County residents outweigh any potential adverse ecological impacts.~~
- ~~3. In-stream structures should be approved only when associated with and necessary for an ecological restoration project, a fish passage project, or an allowed shoreline use/development such as a utility or industrial facility.~~
- ~~4. When necessary, in-stream structures should be located, designed, operated and maintained in a manner that minimizes adverse effects on the stream functions and processes.~~
- ~~5. Proposals for new in-stream structures should be evaluated for their potential adverse effects on the physical, hydrological, and biological characteristics as well as effects on species that inhabit the stream or riparian area.~~
6. When necessary, in-stream structures should be planned and designed to be compatible with navigation and recreation, especially in shorelines of statewide significance, provided that public safety and ecological protection are fully addressed.

## 12. Structural Shoreline Armoring and Shoreline Stabilization

- A. Policies
  - ~~1. Because protecting ecological functions is a primary goal of the Shoreline Management Act, the County should take active measures to preserve natural unaltered shorelines and prevent the proliferation of bulkheads and other forms of shoreline armoring.~~
  - ~~2. Proponents of new shoreline use and development, including preferred uses and uses exempt from permits, should plan, design, locate, construct and maintain the use/development to avoid the need for structural shoreline armoring works using all methods available.~~

3. Non-structural stabilization measures including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over structural shoreline armoring.
4. Structural shoreline armoring should only be permitted when necessary to support a primary structure associated with an approved shoreline use/development, public transportation infrastructure, and/or essential public facilities when other alternatives are infeasible.
5. ~~Where beach erosion threatens an existing use or development, proposals for new structural shoreline armoring should evaluate a range of options and designs. On a reach-specific basis, causes of erosion as well as effects should be evaluated. Beach management issues such as sediment conveyance, geohydraulic processes, and ecological relationships all should be considered in arriving at a design to minimize disturbance.~~
6. ~~Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property or creating or preserving residential lawns, yards or landscaping should not be allowed.~~
7. When structural shoreline armoring is ~~determined necessary to protect public infrastructure and primary structures,~~ it should be located, designed, and maintained in a manner that minimizes adverse effects on shoreline ecology, including effects on the project site, adjacent properties, and sediment transport to downdrift areas.
8. ~~Before approving shoreline armoring structures, the County should require the proponent to identify, address and mitigate probable effects on shoreline processes and functions.~~
9. ~~Shoreline armoring structures should be located and designed based on an understanding of long-term physical shoreline processes. The structural shoreline armoring should fit the physical character and hydraulic energy of a specific shoreline reach, which may differ substantially from adjacent reaches.~~
10. ~~Wave energy absorbing designs should be used. Vertical concrete or rock walls should be avoided whenever possible and only be used to protect shorelines as a last resort and only when extreme measures are required.~~
11. ~~Structural shoreline armoring should not interfere with existing or future public access to public shorelines nor with other appropriate shoreline uses such as navigation, seafood harvest, or recreation.~~
12. ~~When seeking approval for new structural shoreline armoring, the project proponent should include public access that is consistent with the Article 6 section 3 (Public Access) of this Program.~~
13. ~~Proponents of new structural shoreline armoring should coordinate with other affected property owners and public agencies to address ecological and geo-hydraulic processes, sediment conveyance and beach management issues for the whole drift sector (net shoreline drift cell) or shoreline reach where feasible.~~
14. Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.

15. ~~In addition to conforming to the regulations in this Program, non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, or other incentive programs.~~

### **13. Restoration**

1. ~~Policies~~
2. ~~Protection of existing resources is the best way to ensure the long-term health and well-being of Jefferson County shorelines. Restoration should be used to complement the protection strategies required by this Program to achieve the greatest overall ecological benefit.~~
3. ~~This Program recognizes the importance of restoring shoreline ecological functions and processes. Jefferson County supports cooperative restoration efforts by strategically organizing programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.~~
4. ~~Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish and wildlife species.~~
5. ~~Restoration should be integrated with and should support other natural resource management efforts in Jefferson County and in the greater Puget Sound region.~~
6. ~~Priority should be given to restoration actions that meet the goals and objectives contained in Article 3 section 6 (Restoration and Enhancement) of this Program.~~
7. ~~When prioritizing restoration actions, the County should give highest priority to measures that have the greatest chance of reestablishing ecosystem processes and creating self-sustaining habitats.~~

# ARTICLE 8 – USE-SPECIFIC POLICIES AND REGULATIONS

## 1. Agriculture

### A. Policies

- ~~1. Agriculture is important to the long-term economic viability of Jefferson County. Consistent with WAC 173-26-241(3)(a)(ii), this Program should not modify or limit ongoing agricultural activities occurring on agricultural lands.~~
- ~~2. New agricultural uses and development, as defined in Article 2, proposed on land not currently in agricultural use, and conversion of agricultural lands to non-agricultural uses, should conform to this Program.~~
3. New agricultural use and development should be managed to:
  - i. Prevent livestock intrusion into the water;
  - ii. Control runoff;
  - iii. Prevent water quality contamination caused by nutrients and noxious chemicals;
  - iv. Minimize clearing of riparian areas;
  - v. Prevent bank erosion; and
  - vi. Assure no net loss of ecological functions and avoid adverse effects on shoreline resources and values.
- ~~4. New agricultural use and development should preserve and maintain native vegetation between tilled lands and adjacent water bodies. The width of the native vegetation zone should vary depending on site conditions with the overall goal being to limit clearing of riparian corridors.~~
- ~~5. Intensive residential, industrial and commercial uses and uses that are unrelated to agriculture should be located so as not to create conflicts with agricultural uses.~~
- ~~6. The County should promote cooperative arrangements between farmers and public recreation agencies so that public use of shorelines does not conflict with agricultural operations.~~
- ~~7. Existing and new agricultural uses are encouraged to use best management practices to prevent erosion, runoff~~

## 2. Aquaculture

### A. Policies

1. Aquaculture is a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Jefferson County.
- ~~1. The County should support aquaculture uses and developments that:~~
- ~~2. Protect and improve water quality; and~~

- ~~3. Minimize damage to important nearshore habitats; and~~
- ~~4. Minimize interference with navigation and normal public use of surface waters; and~~
- ~~5. Minimize the potential for cumulative adverse impacts.~~
- ~~6. When properly managed, aquaculture can result in long-term ecological and economic benefits. The County should engage in coordinated planning to identify potential aquaculture areas and assess 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.~~
- ~~7. Aquaculture use and development should be designed, located and operated in a manner that complies with applicable state and federal regulations and avoids significant adverse impacts on ecological functions and natural shoreline formation processes such as net shore drift.~~
- ~~2. Aquaculture use and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize environmental impacts. If needed, individual aquaculture uses and developments should be separated by a sufficient distance to ensure that significant adverse cumulative effects do not occur.~~
- ~~3. Aquaculture uses and developments that have minimal environmental and visual impacts should be preferred over aquaculture that has more extensive impacts, in the following order:~~
- ~~4. Projects that require minimal in-water structures/apparatus/equipment should be preferred over projects that involve substantial in-water structures/apparatus/equipment; and~~
- ~~5. Projects that require few land-based facilities should be preferred over those which require extensive land facilities; and~~
- ~~6. Projects that involve minimal substrate disturbance or modification should be preferred over those which involve extensive substrate disturbance or modification.~~
7. The County should support aquaculture use and development on tidelands when they are consistent with this Program. Tidelands and bedlands that were acquired and retained under the Bush and Callow Acts should be protected by not permitting non-aquaculture use and development on these tidelands.
- ~~8. Intensive residential uses, other industrial and commercial uses, and uses that are unrelated to aquaculture should be located so as not to create conflicts with aquaculture operations.~~
- ~~9. The County should promote cooperative arrangements between aquaculture growers and public recreation agencies so that public use of public shorelines does not conflict with aquaculture operations.~~
10. Experimental forms of aquaculture involving the use of new species, new growing methods or new harvesting techniques should be allowed when

~~they are consistent with applicable state and federal regulations and this Program.~~

- ~~11. The County should support community restoration projects associated with aquaculture when they are consistent with this Program.~~
- ~~12. Shellfish beds are critical habitats and aquaculture uses and developments should not degrade them or other critical habitats.~~
13. Chemicals, fertilizers, and genetically modified organisms should not be used in aquaculture operations in Jefferson County.

### 3. Commercial Use

#### A. Policies

- ~~1. Commercial development should be located, designed and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.~~
- ~~2. Water related commercial uses should not displace existing water dependent uses, and water enjoyment commercial uses should not displace existing water related or existing water dependent uses, unless there are compelling reasons in the public interest.~~
- ~~3. Restoration of impaired shoreline ecological functions and processes should be encouraged as part of commercial development.~~
- ~~4. Commercial development should be visually compatible with adjacent noncommercial properties.~~
- ~~5. Commercial uses located in the shoreline should provide public access in accordance with Article 6 section 3 (Public Access) of this Program.~~

### 4. Forest Practices

#### A. Policies

- ~~1. To be consistent with WAC 173-26-241(3)(e), the County should rely on the Forest Practices Act (RCW 76.09), its implementing rules, and the 1999 Forest and Fish Report as adequate management of commercial forest uses within shoreline jurisdiction, except for forest conversion activities.~~
- ~~2. Forest lands should be reserved for long term forest management and other such uses that are compatible with forest management.~~
- ~~3. Forest practices should maintain natural surface and ground water movement patterns and protect the quality of surface and ground water.~~
- ~~4. Forest practices should minimize damage to fish and wildlife species and terrestrial, wetland, and aquatic habitats.~~
- ~~5. Forest practices should aim to maintain or improve the quality of soils and minimize erosion.~~

- ~~6. Where slopes are steep or soils are subject to sliding, erosion or high water table, special practices should be employed to minimize damage to shoreland and water bodies, and adjacent properties.~~
7. Forest practices should be conducted in a manner that minimizes adverse effects on the aesthetic qualities of shorelines.
- ~~8. Proper road and bridge design, location, and construction and maintenance practices should be used to prevent adversely affecting shoreline resources.~~

## 5. Industrial and Port Development

### A. Policies

- ~~9. In securing shoreline locations for industrial or port development, preference should be given first to water dependent industrial or port development, then to water related industrial or port development.~~
- ~~10. Restoration of impaired shoreline ecological functions and processes should be encouraged as part of industrial and port development.~~
- ~~11. Industrial and port development should be visually compatible with adjacent noncommercial properties.~~
- ~~12. Industrial and port uses located in shoreline jurisdiction should provide public access in accordance with Article 6 section 3 (Public Access) of this Program.~~
1. Shorelines suitable for deep-water harbors with access to adequate rail, highway and utility systems should be reserved for water-dependent or water-related industrial and port development.
- ~~13. Port facilities should be designed to allow the public to view harbor areas and should provide public facilities that do not interfere with port operations or endanger public health and safety.~~
2. Where feasible, transportation and utility corridors serving industrial and port uses should be located away from the water's edge to minimize ecological impacts and to reduce the need for waterfront signs and other infrastructure.
- ~~14. Industrial or port development at deep water sites should be limited to those uses that produce the greatest long term economic benefit and least environmental impact.~~
3. Industrial and port development should be protected from encroachment or interference by incompatible uses such as residential or commercial uses, which have less stringent siting requirements.
4. Private and public entities should ~~be encouraged to~~ cooperatively use piers, cargo handling, storage, parking and other accessory facilities in waterfront industrial/port areas.
5. Log storage is not a desired use of the County's shoreline and should be allowed only when adequate measures are taken to minimize adverse impacts. Upland log storage is preferred over in-water storage.

## 6. Mining

### A. Policies

- ~~15. Mining should not be located on shorelines where unavoidable adverse impacts to other uses or resources equal or outweigh the benefits from mining.~~
- ~~16. Mining should not interfere with public access or recreation on the shoreline.~~
- ~~17. Mining should be located and operated so as to provide long term protection of water quality, fish and wildlife species, and fish and wildlife habitat.~~
- ~~18. Mining should be located and operated to cause the least amount of disruption to the natural shoreline functions and processes.~~
1. Mining should only be permitted when the proponent provides appropriate studies and detailed operation plans demonstrating that:
  - i. Fish habitat, upland habitat and water quality will not be adversely affected; and
  - ii. The operation will not adversely affect geo-hydraulic processes, channel alignment, nor increase bank erosion or flood damages.
2. Mining operations should be located, designed, and managed so that adjoining properties do not experience adverse impacts from noise, dust or other effects of the operation. The mine operator should be required to implement mitigation measures to minimize adverse proximity impacts.
- ~~19. Mining proposals that result in the creation, restoration, or enhancement of habitat for priority species are preferred over proposals that do not create or improve priority habitat.~~
3. Mining operations should provide all feasible measures to protect aquatic resources and anadromous fisheries resources from pollution related to mining including, but not limited to:

Sedimentation and siltation; and

  - iii. Chemical and petrochemical use and spillage; and
  - iv. Storage or disposal of mining wastes and spoils.

## 7. Recreation

- ~~20. Policies~~
- ~~21. Public recreation on public lands is a preferred use of the shoreline. Recreational uses and developments that facilitate the public's ability 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 are preferred. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.~~
- ~~22. Jefferson County should develop a comprehensive shoreline public access plan in collaboration with federal, state, and local organizations whose missions include facilitating public access and recreation opportunities.~~

- ~~23. Recreational use and development should facilitate appropriate use of shoreline resources while also conserving them.~~
- ~~24. Linkages between shoreline parks, recreation areas and public access points with linear systems (e.g., water trails, hiking paths, bicycle paths, easements and/or scenic drives) should be provided where feasible.~~
- ~~25. Recreation facilities should incorporate adequate orientation information and public education regarding shoreline ecological functions and processes, the effect of human actions on the environment and the importance of public involvement in shoreline management. Opportunities to incorporate educational and interpretive information should be pursued in design and operation of recreation facilities and other amenities such as nature trails.~~
- ~~26. Recreational use and development should be supported by adequate utility and road facilities, or located where such facilities may be provided without significant damage to shore features commensurate with the number and concentration of anticipated users.~~
- ~~27. The County should encourage the use of street ends and publicly owned lands for shoreline public access to and development of recreational opportunities.~~
- ~~28. Recreation use and development should be located and designed in a manner that is compatible with the surrounding properties.~~
- ~~29. Recreational developments are encouraged to use low impact development techniques including but not limited to pervious pavements, to minimize effects associated with stormwater runoff.~~

## **8. Residential**

### **A. Policies**

- ~~30. Residential use is not water dependent but is a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes to be consistent with the no net loss provisions of this Program.~~
- ~~31. All residential use and development should be planned, designed, located, and operated to avoid adverse impacts on shoreline processes, aquatic habitat, biological functions, water quality and quantity, aesthetics, navigation, and neighboring uses.~~
- ~~32. All residential use and development should be properly managed to avoid damage to the shoreline environment and prevent cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, introduction of pollutants, and vegetation clearing.~~
- ~~33. New residential development should be limited to densities that are consistent with the Jefferson County Comprehensive Plan goals and policies, zoning restrictions, and this Program. The density per acre of development should be appropriate to local natural and cultural features.~~

- ~~34. Clustering of dwelling units and accessory structures should be implemented to preserve natural features, minimize physical impacts and reduce utility and road construction and maintenance costs.~~
- ~~35. New residential development should be planned and built in a manner that avoids the need for structural shore armoring and flood hazard reduction measures in accordance with Article 7 section 5 (Flood Control Structures) and section 7 (Shoreline Stabilization) of this Program.~~
- ~~36. Residential development should be designed to:~~
- ~~37. Maintain or improve ecological functions and processes; and~~
- ~~38. Preserve and enhance native shoreline vegetation; and~~
- ~~39. Control erosion; and~~
- ~~40. Protect water quality; and~~
- ~~41. Preserve shoreline aesthetic characteristics; and~~
- ~~42. Minimize structural obstructions to public views and normal public use of the shoreline and the water.~~
1. Creation of new residential lots through land division should be designed, configured and developed to ensure that no net loss of ecological functions and processes occurs from the plat or subdivision, even when all lots are fully built-out.
2. Residential developments are encouraged, but not required, to provide public access to the shoreline.
3. Whenever possible, non-regulatory methods to protect, enhance, and restore shoreline ecological functions should be encouraged for residential development.

## 9. Signs

### A. Policies

1. Signs should be located, designed and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.
2. Sign location and design should not significantly impair shoreline views.
- ~~3. To avoid continued proliferation of single purpose signs, communities, districts, and/or multi-use or multi-tenant commercial developments are encouraged to erect single, common use gateway signs to identify and give directions to local premises and public facilities.~~
- ~~4. Signs of a commercial or industrial nature should be limited to those areas or premises to which the sign messages refer.~~
- ~~5. Billboards and other off-premise signs should not be located on shorelines except for approved community gateway or directional signs.~~
- ~~6. Signs near scenic vistas and view points should be restricted in number, location, and height so that enjoyment of these areas is not impaired.~~

- ~~7. Free-standing signs should be located to avoid blocking scenic views and be located on the landward side of public transportation routes which generally parallel the shoreline.~~
- ~~8. To minimize negative visual impacts and obstructions to shoreline access and use, low profile, on-premise wall signs are strongly preferred over free-standing signs or off-premises wall signs.~~
- ~~9. Signs should be designed mainly to identify the premises and nature of enterprise without unduly distracting uninterested passers-by.~~

## 10. Transportation

### A. Policies

1. Major new roads, railroads and parking areas should be located outside of the shoreline jurisdiction whenever feasible.
- ~~10. — Maintenance and repair of existing roads in shoreline jurisdiction shall use all reasonable methods to minimize adverse impacts on nearby shorelines.~~
- ~~11. — Road and railroad locations should be planned to fit the topographical characteristics of the shoreline to minimize alterations to natural shoreline conditions.~~
2. New transportation facilities should be designed and located to minimize the need for the following:
  - i. Structural shoreline protection measures;
  - ii. Modifications to natural drainage systems; and
  - iii. Waterway crossings.
- ~~12. — Planning for transportation and circulation corridors shall consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.~~
3. Pedestrian trails and bicycle paths along shorelines are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.
- ~~13. — When transportation corridors are necessary within shoreline jurisdiction, joint-use corridors are preferred and encouraged for roads, utilities, and motorized forms of transportation/circulation.~~
- ~~14. — Parking in shoreline areas should be limited to that which directly serves a permitted shoreline use.~~
- ~~15. — Parking facilities should be located and designed to minimize adverse environmental impacts to the following, including, but not limited to:~~
- ~~16. Stormwater runoff;~~
- ~~17. Water quality;~~
- ~~18. Visual qualities;~~
- ~~19. Public access; and~~
- ~~20. Vegetation and habitat.~~

~~21. Parking areas should be planned to achieve optimum use. Where feasible, parking areas should serve more than one use (e.g., recreational use on weekends, commercial use on weekdays).~~

4. Public transportation facilities should employ pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable ~~and where such measures could measurably reduce stormwater runoff.~~

## 11. Utilities

### A. Policies

1. New public or private utilities should be located inland from the land/water interface, preferably outside of the shoreline, unless:
  - i. The utility requires a location adjacent to the water;
  - or
  - ii. Alternative locations are infeasible; or
  - iii. Utilities are required for permitted shoreline uses consistent with this Program.
2. Utilities should be located and designed to avoid public recreation and public access areas and significant historic, archaeological, cultural, scientific or educational resources.
3. ~~Pipeline and cable development should be designed and sited to avoid crossing aquatic lands. If a water crossing is unavoidable, it should be located in an area that will cause the least adverse ecological impact, be installed using the methods that minimize adverse impacts, and be the shortest length feasible.~~
4. Utility facilities of all kinds that would require periodic maintenance activities should avoid shoreline locations to prevent disruption of shoreline ecological functions.
5. ~~New utilities should use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.~~
6. ~~New utility installations should be planned, designed and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.~~
7. Utility facilities and corridors should be planned, designed and located to protect scenic views. Where feasible, conveyance utilities should be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.
8. ~~Power generating facilities and other utilities using emerging technologies such as tidal energy generators should be carefully evaluated to ensure that the potential impacts are fully understood. Before approving such facilities, the County should consider whether the benefits to the public outweigh the potential impacts. The County should ensure such facilities are designed and located to protect ecological functions and shoreline resources.~~