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JEFFERSON COUNTY SHORELINE MASTER PROGRAM

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EXECUTIVE SUMMARY

A. Introduction.

Jefferson County's Shoreline Master Program has been significantly revised to be consistent with the Jefferson County Comprehensive Plan and other applicable Federal, State and local laws. The 1990 requirement to plan under the Growth Management Act (GMA) has afforded the county an excellent opportunity to review its Shoreline Master Program. Jefferson County adopted its GMA Comprehensive Plan in August 1998. Many goals of the GMA and the Shoreline Management Act (the "Act") are similar. For example, both encourage increasing recreational opportunities, protecting critical areas, and promoting economic development.

The approach of coordinating the Jefferson County Comprehensive plan requirements with the implementation of the Shoreline Management Act will achieve multiple goals such as planning for and guiding the orderly development of the shoreline, protecting shoreline resources and helping to assure public access to the shoreline.

B. The Purpose of the Shoreline Management Act.

The State legislature adopted the Shoreline Management Act in 1971. This law regulates the development and use of certain river, lake and marine shorelines within the State. The law requires cities and counties to develop specific policies and regulations under individual "Shoreline Master Programs." The purpose of the local Master Programs is to apply the state law to the shorelines within each jurisdiction. The local Shoreline Master Program must be consistent with the Shoreline Management Act and with state administrative regulations adopted pursuant to the Act.

The Act contains multiple objectives to provide for the management of the shorelines of the state. These policies include the following:

- to plan and foster all reasonable and appropriate uses;
- to promote and enhance the public interest;
- to protect against adverse effects to the public health, the land and its vegetation and wildlife and the waters of the state and their aquatic life; and
- to protect generally public rights of navigation.

With this mandate, the Act established a planning and regulatory program, which is initiated at the local level under State guidance.

C. Local Shoreline Master Programs.

The Act sets up a process for managing development of the State's shorelines through state monitored, locally administered permitting programs. Local governments are required to prepare a detailed shoreline inventory and a Shoreline Master Program to protect shoreline resources, manage shoreline development, and assure continued public use of waters of the State. Based upon the inventory of local shorelines, a system for categorizing various segments is established through application of shoreline environment designations. The Act specifies that master programs must include policy statements (i.e., the required elements) that take into account economic development, public access, circulation and transportation, recreation, shoreline use, conservation, and historical and cultural aspects of the shoreline area (§90.58.100(2) RCW). From these

policy statements, regulations are developed which establish appropriate permitted uses within each shoreline environment.

The Act requires that each local Shoreline Master Program contain policies and regulations that define permitted uses and activities. All development activity within shoreline jurisdiction must be consistent with the Master Program, and hence these policies and regulations. In one respect, the Master Program is like a comprehensive plan for shorelines because it contains goals and policies, and in another respect it is similar to a zoning code as it contains specific performance standards and regulations.

D. Jefferson County's Shorelines.

Jefferson County contains significant shoreline resources, with approximately 202 miles of saltwater shoreline, 367 miles of streams, and 14 miles of lake shoreline. Over 80 percent of the shorelines in eastern Jefferson County are privately owned, while most of the shorelines in the "west end" are either state forest lands or are managed by the National Park Service. In addition to providing fish and wildlife habitat, the shorelines of Jefferson County have value for residential and economic uses.

The shorelines of Jefferson County are among the most valuable, scarce, and fragile of this state's natural resources. They provide a significant contribution to our lifestyle, including recreational enjoyment, residential use, and occupational variety.

E. The Jefferson County Shoreline Master Program.

It is the intent of the Jefferson County Shoreline Master Program ("this Master Program") to provide a management scheme governing the utilization, protection, restoration, and preservation of the shoreline and shorelands. This Master Program establishes policies and regulations for the shorelines of Jefferson County. The regulations in the Shoreline Master Program include specific legal requirements that guide future development along the shorelines of Jefferson County.

F. Shoreline Master Program Jurisdiction.

This Master Program applies to the following areas:

1. All marine waters of the state, together with the lands underlying them;

2. Streams and rivers with a mean annual flow of 20 cubic feet per second (cfs) or more;

3. Lakes and reservoirs larger than 20 acres in area;

4. Shorelines of state-wide significance as specified in §90.58.030 RCW.

5. Wetlands associated with all of the above.

The Master Program jurisdiction also includes those shorelands associated with the areas described above. "Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams landward and tidal waters which are shorelines of the state.

Throughout this document, the term "shoreline" includes the shorelines of the State within Jefferson County as well as the shoreland areas associated with those shorelines. The goal of this Master Program is to preserve to the fullest possible extent the scenic, aesthetic and ecological qualities of the shorelines of Jefferson County in

harmony with those uses that are deemed essential to the life and well-being of its citizens.

The policies in the Shoreline Master Program state the underlying objectives the regulations are intended to accomplish. The policies should, accordingly, guide the interpretation and enforcement of the Shoreline Master Program's regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations.

Under the GMA the goals and policies of this Master Program are considered an "element" of the county's Comprehensive Plan, and will be integrated within a new "Shoreline Element" of the Plan (§36.70A.480 RCW). By contrast, the use and development regulations contained in this Master Program are considered part of the county's development regulations, and will be integrated into the Jefferson County Unified Development Code. This approach will achieve mutual goals such as planning for and guiding the orderly development of the shoreline, protecting shoreline resources and helping to assure public access to the shoreline. The Master Program helps both property owners and county staff in predictability within the permitting process. It also educates the community in the use and protection of its shorelines.

G. How The Plan Works.

The Jefferson County Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the county. It is also a regulatory ordinance with performance standards for development intended to implement the goals and policies.

When planning a project near the shoreline, consult with the Jefferson County Department of Community Development. The county Shoreline Administrator will determine whether a Shoreline Substantial Development Permit is required and provide assistance in the permit application process.

All shorelines subject to the Act are given a shoreline environmental designation. This designation system is designed to encourage uses most appropriate for particular areas and to enhance the character of that shoreline environment. The shoreline designations are depicted on the map included as Appendix "A" to this Master Program.

Shoreline uses are classified as "permitted," "conditional," or "prohibited" in order of preference or appropriateness on a particular shoreline. Permitted and conditional uses, as well as variances, require review by the Jefferson County Hearing Examiner. In addition, permits issued by local governments for conditional uses and variances require final approval from the Washington Department of Ecology.

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CHAPTER 1.
GENERAL PROVISIONS

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1.010 Title.

This document shall be known and may be cited as the Jefferson County Shoreline Master Program ("this Master Program" or "the Master Program").

1.020 Purpose.

The purpose of this Master Program is to guide the future development of shorelines in Jefferson County in a manner consistent with the Washington State Shoreline Management Act of 1971 (the "Act") as amended (Chapter 90.58 RCW).

1.030 Adoption Authority.

This Master Program is adopted under the authority granted by the Act and Chapter 173-26 of the Washington Administrative Code (WAC).

1.040 Relationship to Other Regulations.

Uses, developments and activities regulated by this Master Program may also be subject to the provisions of the Jefferson County Comprehensive Plan, the Washington State Environmental Policy Act ("SEPA," Chapter 43.21C RCW and Chapter 197-11 WAC), the Jefferson County Unified Development Code, and various other provisions of local, state and federal law, as may be amended. Project proponents shall comply with all applicable laws prior to commencing any use, development or activity.

1.050 Applicability.

A. Geographical jurisdiction. This Master Program apply to all of the land and waters of Jefferson County which fall under the jurisdiction of the Act. This Master Program does not apply to development and uses beyond the jurisdictional limits of the Act unless a proposed development involves both jurisdictional and non-jurisdictional land and the upland development is found to adversely affect the shoreline environment. If a conflict occurs between this section and other sections of this Master Program, this section shall prevail.

B. Applicability to persons. This Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases, or administers lands, wetlands, or waters that fall under the

jurisdiction of the Act, EXCEPT for the right of any person established by treaty to which the United States is a party.

C. Applicability to Federal Agencies.

1. Federal Agencies are subject to this Master Program and the Act, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and §173-27-060(1) WAC).

2. The permit requirements established under this Master Program apply to non-federal activities constituting developments or conditional uses undertaken on lands subject to non-federal ownership, lease, or easement, even though such lands may fall within the external boundaries of federally owned lands.

3. The permit requirements established under this Master Program apply to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.

D. Applicability to development.

1. This Master Program applies to all "development" as that term is defined in Chapter 2, Definitions.

2. No development may be undertaken unless a written Permit Exemption is first issued by the Shoreline Administrator and unless all work proceeds in compliance with the Act, this Master Program, and all other applicable local, state and federal regulations.

E. Applicability to substantial development.

1. This Master Program applies to all "substantial development" as that term is defined in Chapter 2, Definitions.

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

1.060 Exemptions from Substantial Development Permit Requirements.

A. Application and interpretation of exemptions.

1. Exemptions ("Permit Exemptions") shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed Permit Exemptions may be granted exemption from the Substantial Development Permit process set forth in Chapter 11 of this Master Program.

2. An exemption from the Substantial Development Permit process is not an exemption from compliance with the Act or this Master Program, or from any other regulatory requirements. To be authorized as a Permit Exemption, all developments must be consistent with the policies and provisions of this Master Program and the Act. A development that is listed as a conditional use or a use that is not classified or set forth (i.e., "unclassified uses") in §8.020, infra, must obtain a Conditional Use Permit under §11.090, infra, even though the development or use does not require a Substantial Development Permit. When a development or use is proposed that does not comply with the development regulations (e.g., setbacks, height limitations, etc.) of this Master Program, such

development or use can only be authorized by approval of a Variance Permit under §11.090, infra.

3. The burden of proof that a development or use is exempt from the Substantial Development Permit process shall be on the project proponent.

4. If any part of a proposed development is not eligible for Permit Exemption, then a Substantial Development Permit shall be required for the entire proposed development project.

5. The Shoreline Administrator may attach conditions to the approval of a Permit Exemption as necessary to assure consistency of the project with the Act and this Master Program.

B. Exemptions. The following developments shall not require Substantial Development Permits:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed two thousand five hundred (2,500) dollars, PROVIDED such development does not materially interfere with the normal public use of the water or shorelines of the state.

   a. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in §90.58.030(2)(c) RCW.

   b. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.

   a. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

   b. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, EXCEPT where repair causes substantial adverse effects to shoreline resources or environment.

   c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

3. Construction of the normal protective bulkhead common to single-family residences.

   a. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the

ordinary high water mark (OHWM) for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

b. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land.

c. When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill.

d. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.

e. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual OHWM.

f. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.

4. Emergency construction necessary to protect property from damage by the elements.

a. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this Master Program.

b. Emergency construction does not include development of new permanent protective structures where none previously existed.

c. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation all permit(s) shall be obtained which would have been required, absent an emergency, pursuant to the Act, Chapter 173-27 WAC, or this Master Program, OR the new structure shall be removed.

d. All emergency construction shall be consistent with the policies of the Act and this Master Program.

e. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels.

a. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.

b. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

6. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

7. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all other applicable state and local requirements.

a. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership that are a normal appurtenance.

b. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence, is located landward of the OHWM or the perimeter of a wetland, and meets all applicable setbacks established for structures. Normal appurtenances include, but are not limited to:

i. Garages;
ii. Decks;
iii. Driveways;
iv. Utilities;
v. Fences;
vi. Installation of a septic tank and drainfield; and
vii. Grading that does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM.

c. Construction authorized under this exemption shall be located landward of the OHWM.

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family and multiple-family residences.

a. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.

b. This exemption applies under the following circumstances:
   i. In salt waters, when the fair market value of the dock does not exceed two thousand five (2,500) hundred dollars; or
   ii. In fresh waters when the fair market value of the dock does not exceed ten thousand (10,000) dollars, HOWEVER, if subsequent construction having a fair market value exceeding two thousand five (2,500) hundred dollars occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Master Program.

c. For purposes of this exemption, salt water shall include the tidally influenced marine and estuarine water areas of Jefferson County as listed in §173-27-040 WAC (i.e., the Pacific Ocean, Strait of Juan de Fuca, Hood Canal, Puget Sound and all associated bays and inlets).

9. Placement of a single mooring buoy designed only for pleasure craft and the private non-commercial use of the owner, lessee, or contract purchaser of an adjoining single family residence; provide said development does not exceed $2,500 in cost or fair market value and provide the mooring buoy does not extend waterward more than the minus six foot or one fathom tidal elevation as measured from the mean lower low water.

10. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.

11. The marking of property lines or corners on state- owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

12. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

13. Any project with a certification from the governor pursuant to chapter 80.50 RCW;

14. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Master Program, if:

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

   b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

   c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land

configuration of the site are restored to conditions existing before the activity;

d. A private entity seeking development authorization under this exemption first posts a performance bond or provides other evidence of financial responsibility to the County to ensure that the site is restored to preexisting conditions; and

e. The activity is not subject to the permit requirements of §90.58.550 RCW (i.e., oil and natural gas explorations in marine waters).

15. The process of removing or controlling aquatic noxious weeds, as defined in §17.26.020 RCW, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW (i.e., the State Environmental Policy Act, or "SEPA").

16. Watershed restoration projects as defined in this subsection 15(a) of this subsection, infra. Jefferson County shall review the projects for consistency with this Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the project proponent. No fee shall be charged for accepting and processing requests for exemption for watershed restoration projects as used in this subsection.

a. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one (1) or more of the following activities:

i. A project that involves less than ten (10) miles of streamreach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed EXCEPT as minimally necessary to facilitate additional plantings;

ii. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, PROVIDED that any structure, other than a bridge or culvert or in-stream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

b. "Watershed restoration plan" means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, the County, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21C RCW (SEPA).

17. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW (i.e., Construction Projects in State Waters); and

c. The Shoreline Administrator has determined that the project is consistent with the local shoreline this Master Program. The Shoreline Administrator shall make such determination in a timely manner and provide it by letter to the project proponent.

18. Hazardous substance remedial actions, as specified in §173-27-040(3) WAC.

CHAPTER 2.
DEFINITIONS

SECTIONS:

2.010 Definitions – Generally.

A. Applicability. Definitions for the terms in this Master Program apply only to their use under the jurisdiction of this Master Program as defined in the Act. Some terms used in this Master Program may have different definitions and applications under other Jefferson County regulations.

B. Tense. All words used in the present tense include the future tense; all words in the plural number include the singular number, and all words in the singular number include the plural, unless the natural construction of the working indicates otherwise.

C. "Shall," "should," "may." The word "shall" means mandatory and not discretionary; the word "should" means recommend but not required; and the word "may" means permissive.

2.020 Definitions – A through D.

"Accessory use" means a use that is demonstrably subordinate and incidental to the principle use and which functionally supports its activity.

"Accretion" means the slow addition of land by the deposition of water-borne sediment through the net effect of wave action and longshore drift.

"Act" means the Washington State Shoreline Management Act of 1971 as now exists or may hereafter be amended, codified at Chapter 90.58 RCW.

"Advertising" means publicly displayed messages or signs, billboards, placards, or buildings that direct attention to promotion of a business, service, or product. "On-premise advertising" is that which is actually located on the site of the business or service advertised.

"Agriculture" means the cultivation of soil, production of crops, or the raising of livestock, including incidental preparation of these products for human use. Related agricultural activities may also include tilling, fertilizer application, soil preparation and maintenance, harvesting and the control of weeds, plant diseases and insect pests. Agriculture also includes animal husbandry practices associated with the feeding, housing, maintenance and marketing of animals such as beef cattle, dairy cows, breeding stock, horses and poultry and their by-products.

"Alluvium" means unconsolidated fragmented material deposited by streams in river beds, floodplains, lakes, fans at the foot of mountain slopes and estuaries.

"Anadromous fish" means species that are born in fresh water, spend a large part of their lives in the sea and return to freshwater rivers and streams to procreate (e.g., salmon).

"Applicable Master Program" or "this Master Program" means the Master Program approved or adopted by the Washington State Department of Ecology pursuant to §§90.58.090 or 90.58.190 RCW.

"Appurtenance" means a structure or development that is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark (OHWM) and also of the perimeter of any marsh, bog, or swamp. Normal appurtenances include, but are not necessarily limited to the following: garages; decks; driveways; accessory utilities (e.g., conventional drainfields); pedestrian beach access structures; and grading which does not exceed two hundred and fifty (250) cubic yards, except to construct a conventional drainfield.

"Aquaculture" means the culture or farming of food fish, shellfish, or other aquatic plants or animals, including the incidental preparation of these products for human use. The term encompasses a wide variety of activities including hatching, seeding, planting, cultivating, feeding, raising, and harvesting of plants and animals. Those activities which do not meet the definition of "development" in this Master Program (e.g., beach culturing, hand harvesting, etc.) are not subject to shoreline permit requirements.

"Aquaculture development, intensive" means the rearing within structures of aquatic organisms that are fed by the operator. Intensive aquaculture developments produce wastes in the form of feces, urine, and unconsumed feed that may affect the bottom environment and water quality.

"Aquaculture development, extensive" means the rearing within structures of aquatic organisms that feed on a naturally-occurring food supply.

"Aquaculture, passive" means the non-structural cultivation and/or harvest of naturally occurring or artificially seeded aquatic organisms that food on a naturally occurring food supply. Passive aquaculture may include the cultivation and/or harvest of clams, oysters, geoducks, ghost shrimp and other organisms in intertidal or subtidal areas. Passive aquaculture may also include measures to maintain or enhance the natural habitat characteristics necessary for successful propagation and growth of cultivated or wild aquatic organisms. On marine shorelines these measures could include adding gravel to shellfish beds in order to improve shellfish habitat or creating artificial reefs. In streams or rivers these measures could include excavating pools, placing stream bed control structures, or adding spawning gravel in order to improve fish spawning or rearing habitat. These enhancement measures would be reviewed as passive aquaculture and in addition be subject to the other applicable policies and performance standards of this Master Program.

"Aquatic" means all water bodies, including marine waters, lakes, rivers, and streams and their respective water columns and underlying lands, which are defined as shorelines of the state.

"Archaeology" means the systematic recovery by scientific methods of material evidence remaining from man's life and culture in past ages, and the detailed study of this evidence.

"Associated wetlands" means those marshes, bogs, swamps and similar water retention areas that are in proximity to and influence or are influenced by streams, rivers, lakes, or tidal waters.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure. In the case of structures to be built over the water, the average grade level shall be the elevation of the ordinary high water. The calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"Backshore" means the area wetted by storm tides but normally dry between the coastline and the high tide line. It may be a narrow gravel berm below a sea bluff or a broader complex of berms, marshes, meadows, or dunes landward of the high tide line.

"Barrier beach" means an accretion shore form of sand and gravel that has been deposited by longshore drift in front of bluffs, bays, marshes, or estuaries, and functions like a storm barrier.

"Bar" means a shore form similar to a spit or a hook, though generally not attached to the mainland during periods of high water.

"Beach" means the zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

"Beach feeding" means a process by which beach material is deposited at one or several locations in the updrift portion of a driftway. The material is then naturally transported by a wave's down drift to stabilize or restore eroding beaches or berms.

"Beach restoration and enhancement" means the alteration of terrestrial and tidal shorelines or submerged shorelines for the purposes of stabilization, recreational enhancement, or aquatic habitat creation or restoration. The materials used depend upon the intended use. For instance, to create a beach for recreational purposes, various grades of clean sand or pea gravel are often used. To restore or recreate a shore feature or an underwater aquatic environment (e.g., a reef) a combination of a rock matrix and sand or other materials may be used. To restore riparian habitat functions native vegetation may be used.

"Berm" means a linear mound or series of mounds of sand and/or gravel generally paralleling the water at or above the ordinary line of high tide. Also, a linear mound used to screen an adjacent activity (e.g., a parking lot) from transmitting excess noise and glare.

"Best available science" Reserved until the Department of Trade & Economic Development, under authority of RCW 36.70A.172(1), adopts a formal definition for 'best available science'.

"Best available technology" means the most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective and preferably low maintenance.

"Bioengineering" means the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. Bioengineering projects often include fisheries habitat enhancement measures in project design (e.g., anchored logs, root wads, etc.). Such techniques may be applied to creeks, rivers, lakes, reservoirs,

and marine waters. Bioengineering may also be applied in upland areas away from the immediate shoreline.

"Boathouse" means a structure designed for storage of vessels located over water or in upland areas. Boathouses are to be distinguished from "houseboats."

"Boat launch" or "boat ramp" means a slab, pad, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

"Bog" means a wet, spongy, poorly drained area that is usually rich in very specialized plants, contains a high percentage of organic remnants and residues and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

"Buffer" means a strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts to provide habitat for wildlife and to afford limited public access.

"Buoy" see "mooring buoy."

"Breakwater" means an offshore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still water area along the shore. A secondary purpose is to protect the shoreline (e.g., beaches and bluffs) from wave-caused erosion. Breakwaters may be fixed (e.g., rubble mound or rigid wall), open pile or floating. Most breakwaters in the Pacific Coast area are rip-rapped, mound construction. Several include ancillary sand by-passing operations.

"Bulkhead" means a wall usually constructed parallel to the shore with the primary purpose of containing and preventing the loss of soil caused by erosion or wave action. Bulkheads may also be termed "seawalls," however in common usage, the term seawall in generally reserved for massive public works structures along the open coast. By contrast, bulkheads are typically lighter in structure and may be either private or public. Both bulkheads and seawalls are usually constructed of poured-in-place concrete, steel or aluminum sheet piling, wood or wood and structural steel combinations. They may be either thin structures penetrating deep into the ground, or more massive structures resting on the surface. See also, "revetment."

"Campground" means an outdoor area established for overnight accommodation of recreational user.

"Channel" means an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels.

"Channel migration zone" means the area of a river corridor where the active channel is prone to lateral movement, usually evidenced by abandoned channels, recent sediment, topographic changes, and vegetation character. The channel migration zone generally consists of the area that a stream has occupied or could be expected to occupy within the time it would take the trees to reach their mature height.

"City" means the incorporated City of Port Townsend, Washington.

"Clearing" means the destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to root material removal and or topsoil removal.

"Coastline" means the highest landward line of long-term marine water effect upon the land.

"Commercial" means uses and facilities that are involved in wholesale or retail trade or business activities. "Water-dependent commercial uses" are those commercial activities that require location on the shoreline by reason of the intrinsic nature of their business (see also, "water-dependent").

"Conditional use" means a use, development, or substantial development that is classified as a conditional use or is not classified within the Master Program. A use that varies from the designated uses is considered a conditional use.

"County" means Jefferson County, Washington.

"Covered moorage" means boat moorage, with or without walls, that has a roof to protect the vessel.

"Creek" means a small stream; often a shallow or intermittent tributary to a river, that is drawn by gravity to progressively lower levels and eventually to the sea. A creek may have surface water run-off flowing in its natural or modified channel.

"Critical areas" means the following areas and ecosystems:

A. Wetlands;

B. Areas with a critical recharging effect on aquifers used for potable water (i.e., "critical aquifer recharge areas");

C. Frequently flooded areas;

D. Geologically hazardous areas; and

E. Fish and wildlife habitat conservation areas, including, but not limited to saltwater habitat areas and salmonid habitat areas.

"Degrade" means to reduce in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

"Delta" or "river delta" means those lands formed as an aggredational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

"Department" means the Washington State Department of Ecology.

"Developed shorelines" means those shoreline areas that are characterized by existing uses or permanent structures located within shoreline jurisdiction.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling, and removal of any sand, gravel, or minerals; constructing bulkheads, driving piles, or placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to the Act and this Master Program at any state of water level.

"Dike" means an artificial dirt or rock rip-rap bank that parallels a stream to retard erosion or prevent flooding.

"Dolphin" means a cluster of piles bound together.

"Downdrift" means the direction of movement of beach materials.

"Drift cell," "drift sector," or "littoral cell" mean a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms accreted by such drift.

"Dock" means a fixed structure floating upon a water body, secured to a pier or to the shoreline.

"Dredging" means the removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, bay, or other water body and associated wetlands. Dredging is normally done for specific purposes or uses such as constructing and maintaining canals, navigation channels, turning basins, harbors and marinas, for installing submarine pipelines or cable crossings, or for dike or drainage system repair and maintenance. Dredging may also be used to mine for aggregates such as sand and gravel.

"Dredge material disposal" means the depositing of dredged materials on land or into water bodies for either creating new or additional lands for other uses or disposing of the byproducts of dredging.

"Dredge spoil" means the material removed by dredging.

"Driftway" means that portion of the shore process corridor, primarily that lower backshore and the upper intertidal area, through which sand and gravel are transported by the littoral drift process. It is the critical link between the feeder bluff and the accretion shoreform.

"Dune" means a hill or ridge or sand piled up by the wind and/or wave action.

2.030 Definitions – E through H.

"Ecological" means pertaining to the interrelationship of living things to one another and to their environment.

"Ecological functions" and "natural shoreline functions" means those natural physical, chemical, and biological processes that contribute to the proper functioning and maintenance of the aquatic and terrestrial ecosystems. Ecological functions relevant to specific types of shorelines are further defined as follows:

A. Riparian functions include the following:
   1. Flood attenuation: Reducing peak flows and downstream erosion.
   2. Water quality improvement: Removing nutrients and toxic compounds.
   3. Dynamic sediment processes: Sediment removal, stabilization, transport, and deposition.
   4. Habitat for: Threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish.

B. Lacustrine functions include the following:
   1. Water quality improvement: Removing nutrients and toxic compounds and removing and/or stabilizing sediments.
   2. Habitat for: Threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish.

C. Tidal functions include the following:

1. Water quality improvement: Removing nutrients and toxic compounds.
2. Habitat for: Threatened, endangered, and priority species (whatever they may be in the jurisdiction); aquatic and shoreline-dependent birds, invertebrates, and mammals; amphibians; and anadromous and resident native fish.

"Ecologically intact shorelines" means those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human activities. In unmanaged forested areas, they generally include native vegetation with a diversity of species, multiple canopy layers, and large woody debris available for recruitment. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this definition is intended to delineate those shoreline areas that provide valuable functions for the larger shoreline ecosystem which would be lost by significant human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis using best available science. The term "ecologically intact shorelines" applies to all shoreline areas meeting the criteria ranging from larger reaches that may include several properties, to small areas located within a single property. For example, in establishing boundaries for Natural environment designations as called for in Washington Administrative Code, as amended, the term "ecologically intact" may apply to continuous, multi-parcel sections of shorelines. In applying shoreline stabilization standards to an individual property, the term may apply to a portion of the property.

"Ecosystem-wide processes" means the dominating physical and geological processes of erosion, transport, and deposition and specific chemical processes (e.g., flocculation) that shape landforms within a specific shoreline ecosystem and determine both the types of habitat that are present and the associated ecological functions and their processes:

A. Riparian fluvial processes: landform and channel erosion; sediment transport and load in channel and overbank; channel dynamics, including channel gradation and migration; and changes in channel form during flooding.

B. Lacustrine and tidal wave and current processes: wave erosion (including refraction), littoral drift, and tidal erosion and deposition.

"Erosion" means the group of natural processes including weathering, dissolution, abrasion, corrosion, and transporting by which earthy or rocky material is removed from any part of the earth's surface.

"Estuary" means that portion of a coastal stream influenced by the tide of marine waters into where it flows and where the seawater is diluted with fresh water derived from land drainage.

"Exempt developments" means those developments that are not required to obtain a Substantial Development Permit under §90.58.030(3)(e) RCW, but which must otherwise comply with applicable provisions of the Act and the Master Program.

"Exemption" or "Permit Exemption" means the written authorization from Jefferson County which establishes that an activity is exempt from Substantial

Development Permit requirements under §173-27-040 WAC, but subject to regulations of the Act and this Master Program. Conditional Use and/or Variance Permits may also still be required even though the activity does not require issuance of a Substantial Development Permit.

"Extreme low tide" means the lowest line of the land reached by a receding tide.

"Fair market value" for a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development includes the fair market value of any donated, contributed, or found labor, equipment or materials.

"Feasible" means that an action meets all of the following conditions:

A. It can be accomplished with technologies and methods that have been used in the past or if studies or tests have demonstrated that such technologies are likely to achieve the intended results;

B. It provides a reasonable likelihood of achieving its intended purpose; and

C. It does not preclude achieving the project's primary intended use.

In cases where this Master Program requires certain actions unless they are infeasible, the burden of proving infeasibility is placed upon the project proponent. In determining an action's infeasibility, the county may weigh the action's relative public costs and public benefits, considered in the short and long term time frames.

"Feeder bluff" or "erosional bluff" means any bluff or cliff experiencing periodic erosion from waves, sliding or slumping that, through natural transportation, contributes eroded earth, sand or gravel material via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms (e.g., spits, bars, and hooks).

"Fetch" means the distance of open water over which the wind blows, especially in the predominant direction of storms.

"Fill" or "filling" means the placement of soil, sand, rock, gravel, existing sediment or other material (not including solid waste) to create new land, tideland or bottom land along the shoreline below the ordinary high water mark (OHWM), or on wetland or upland areas in order to raise the elevation.

"First class tidelands" means the beds and shores of navigable tidal waters lying within or in front of the corporate limits of any city, or within one mile thereof, upon either side and between the line of ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (see also, "Second class tidelands").

"Float" means a floating structure that is moored, anchored, or otherwise secured in the water, but which is not connected to the shoreline.

"Flood hazard management" means actions taken and/or projects initiated with the primary purpose of preventing or mitigating damage due to flooding.

"Floodplain" means that land area susceptible to being inundated by stream-derived waters with a one (1) percent chance of being equaled or exceeded in any given year. The limit of this area is based upon flood ordinance regulation maps or a reasonable

method which meets the objectives of the Act. The term "floodplain" is synonymous with the term "one hundred (100) year floodplain."

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a water course upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually; the floodway being identified under normal conditions by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include those lands that can reasonably be expected to be protected from waters by flood control devices contained by or maintained under license from the federal government, the state, or a political subdivision of the state.

"Forestry" or "forest practices" means those methods used for the protection, production, harvesting, and transporting of timber resources.

"Gabion" means a mass of rock, rubble, or masonry tightly enclosed in wire mesh, forming massive blocks that are used to form walls on beaches to prevent wave erosion or as foundations for breakwaters or jetties.

"Geologically hazardous areas" means areas susceptible to severe erosion or slide activity, such as unstable bluffs, and include areas with high potential for earthquake activity.

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the site hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geological hazards or processes. The evaluation also includes conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports must conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local geology.

"Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

"Groin" means a wall-like structure extending seaward from and usually perpendicular to the shore into the intertidal zone. Its purpose is to build or preserve an accretion beach on its updrift by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable. See also, "weir," and "rock weir."

"Guidelines" means those regulations adopted under Chapter 173-16 WAC, as amended, or any successor regulations thereof, that serve as standards for implementation of the policy of Chapter 90.58 RCW for regulations of uses of the shorelines, and that provide criteria to local governments and the Department of Ecology in developing master programs.

"Harbor area" means the area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which is forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

"Height" means a measurement from average grade level to the highest point of a structure. Television antennas, chimneys, and similar appurtenances are not used in calculating height, except where they obstruct the view of a substantial number of residences, or where this Master Program provides otherwise. Temporary construction equipment is not used in calculating height.

"Historic" means having considerable importance or influence in history; historical.

2.040 Definitions – I through M.

"Industry" means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

"Inner harbor line" means a line located and established in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area.

"In-stream structure" means a human-made structure placed within a steam or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service, transmission, fisheries enhancement, or other purposes.

"Intertidal " means the area waterward of the ordinary high water mark and landward of the line of extreme low tide.

"Island" means a land mass completely surrounded by water.

"Jetty" means a structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. On the Pacific Coast, most jetties are of rip-rapped, mound construction.

"Lake" means a body of standing water located inland, generally distinguished from marshes, bogs, and swamps by its greater depth.

"Marina" means a facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure and/or commercial water craft.

"Marsh" means an area of low-lying wet land; a fen, swamp, or bog.

"Master Program" means the comprehensive management plan for a described shoreline and water surface area and the use regulation together with maps, diagrams, charts, or other descriptive material and text; a statement of desired goals and standards developed in accordance with the policies enunciated in §90.58.020 RCW and guidelines adopted under Chapters 173-16 and 173-27 WAC.

"Mining" means the removal of naturally occurring rock, sand, gravel, and minerals from the earth. The term does not apply to the construction of gravel traps for flood mitigation and fish habitat enhancement.

"Mitigation" or "mitigation sequencing" means the process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following listed in the order of sequence priority, with measure (a) being top priority:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

C Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

F. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

"Modification activities" see "shoreline modification activities."

"Mooring buoy" means anchored devices in water bodies used for the mooring of water craft.

2.050 Definitions – N through Q.

"Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

"Natural shoreline functions" see "ecological functions."

"Non-conforming use or development" means a shoreline use or development that was lawfully constructed or established prior to the effective date of the Act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.

"Non-point pollution" means pollution not originating from a specific point such as a wastewater outfall.

"Non-water-oriented use" means those uses that are not water-dependent, water-related, or water-enjoyment. Non-water-oriented uses typically have little or no relationship to the shoreline.

"Offshore" means the sloping subtidal area seaward from the low tideland.

"Offshore moorage device" means an offshore device anchored or otherwise attached to the sea bottom used to moor water craft.

"Ordinary high water mark" or "OHWM" means that mark on all lakes, streams, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971, as it has naturally changed thereafter, or as it may change hereafter in accordance with permits issued by Jefferson County or the Department of Ecology. On a site-specific basis, Department of Ecology has the final authority on determining where the

ordinary high water mark is located. The following criteria clarify this mark on tidal waters, lakes, and streams:

A. Tidal waters: In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred (100) feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide. In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation ("salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand).

B. Lakes: Where the ordinary high water mark cannot be found, it shall be the line of mean high water.

C. Streams: Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

"Outer harbor line" means a line located and established in navigable waters as provided in Section 1 of Article 15 of the Washington State Constitution, beyond which the state shall never sell or lease any rights whatsoever.

"Parking or "parking facilities" means areas providing for the temporary storage of automobiles or other motorized vehicles, including vista parking facilities.

"Party of record" means all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

"Performance standard" means regulations, including bulk and dimensional standards that are applied to the design and function of a development or use.

"Permit" means any Substantial Development, Variance, Conditional Use Permit, or Permit Revision authorized under Chapter 90.58 RCW, the Shoreline Management Act.

"Permitted use" means any use authorized or permitted alone or in conjunction with another use in a designated shoreline environment and subject to the limitations of the regulations of the designated environment and the regulations for the specific use.

"Person" means an individual, firm, partnership, corporation, association, organization, agency, or any non-federal entity however designated.

"Pier" means a fixed, pile-supported structure secured to the shoreline.

"Point" means a low profile beach promontory, generally of triangular shape whose apex extends seaward.

"Ports" means centers for waterborne commerce and traffic.

"Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

A. Comparatively high fish and wildlife density;
B. Comparatively high fish and wildlife species diversity;
C. Important fish and wildlife breeding habitat;
D. Important fish and wildlife seasonal ranges;
E. Important fish and wildlife movement corridors;
F. Limited availability;
G. High vulnerability to habitat alteration; or
H. Unique or dependent species.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as, oak woodlands, eelgrass meadows). A priority habitat may also be described by a successional stage (e.g., old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as, consolidated marine/estuarine shorelines, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

"Priority species" means fish and wildlife species requiring protective measures and/or management guidelines to ensure their perpetuation. Priority species are those that meet any of the following criteria:

A. State-listed or state candidate species. State-listed species are those native fish and wildlife species legally designated as endangered (§232-12-014 WAC), threatened (§232-12-011 WAC), or sensitive (§232-12-011 WAC). State candidate species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in §232-12-297 WAC.

B. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or state-wide, by virtue of their inclination to congregate. Examples include heron rookeries, seabird concentrations, marine mammal haulouts, shellfish beds, and fish spawning and rearing areas.

C. Species of recreational, commercial, and/or tribal importance. Native and non-native fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

D. Species listed under the Endangered Species Act as either threatened or endangered. Federal candidate species are evaluated individually to determine their status in Washington and whether inclusion as a priority species is justified.

"Project area" means all areas at and around a proposed shoreline development that would be effected directly or indirectly by the proposal for which a project proponent is seeking approval under this Master Program, and not simply the immediate area involved in the project. That is, the project area may consist of an area larger than the affected lot or parcel. Direct effects are those caused by the proposed project and occur at the same time and place. Indirect effects are those caused by the proposed project and

are later in time, but still are reasonably certain to occur. The Shoreline Administrator is vested with the authority to define the "project area."

"Provisions" means policies, regulations, standards, guidelines, criteria or designations.

"Public access" or "shoreline public access" means the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access including picnic areas, pathways and trails (including facilities that comply with the Americans with Disabilities Act), floats and docks, promenades, viewing towers, bridges, boat launches, street ends, ingress and egress, parking and others.

"Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

"Public use" means the use of any land, water, or building by a public agency for the general public, or by the public itself.

2.060 Definitions – R through V.

"Recreational facilities" means public and private facilities such as parks, trails and pathways, campgrounds, and swim rafts that provide a means for relaxation, play, or amusement.

"Rehabilitation" or "ecological rehabilitation" means the significant upgrading of ecological shoreline functions and values such as revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.

"Residence" means a dwelling and those structures and developments within a continuous ownership that are normal appurtenances. An appurtenance is necessarily connected to the use and enjoyment of a residence and is located landward of the perimeter of a marsh, bog, or swamp and landward of the ordinary high water mark. A normal appurtenance includes a garage, deck, driveway, utilities, fences, and grading that does not exceed two hundred and fifty (250) cubic yards (except to construct a conventional drain field).

"Residential development" means the development of land and/or construction or erection of dwelling units for the purpose of residential occupancy.

"Restoration" or "ecological restoration" means the significant upgrading of ecological shoreline functions through measures such as revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.

"Revetment" means a sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against waves, wakes, currents, or weather. Revetments are most commonly built of randomly placed boulders (i.e., rip rap), but may also be built of sand-cement bags, paving or building blocks, gabions (i.e., rock filled wire baskets), or other systems and materials. The principal features of a revetment, regardless of type, are:

A. Heavy armor layer;
B. Filter layer; and
C. Toe protection.

See also, "bulkhead."

"River" means a large natural stream of water emptying into any ocean, lake, or other body of water, and usually fed along its course by converging tributaries.

"Scientific and educational facilities" means those sites, structures, or facilities that provide unique insight into our natural and cultural heritage.

"Sea wall" means a bulkhead, except its primary purpose is to artificially armor the shore from erosion by water waves and it may incidentally retain uplands or fills. Sea walls are usually more massive than bulkheads or revetments because they are designed to resist the full force of waves.

"Second class shoreland" means land bordering on the shore of a navigable lake or river not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city or within two miles thereof upon either side.

"Second class tideland" means land over which the tide ebbs and flows outside and more than two miles from the corporate limits of any city from the line of ordinary high tide to the line of extreme low tide.

"Shore defense work" means structures or modifications for the purpose of retarding shore erosion from waves or current action, protecting channels and harbors from wave action, encouraging deposition of beach materials, preventing stream bank overflow, and retaining uplands. They may consist of bulkheads, seawalls, dikes, revetments, breakwaters, jetties, groins, or gabions. Defense works are commonly constructed from quarry rock (rip-rap), treated wood, concrete, steel, and sand and gravel.

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of Chapter 173-22 WAC, as may be amended; the same to be designated as to location by the Department of Ecology. Shorelands are distinguished from shorelines in that shorelines extend waterward from the ordinary high water mark to the county line, while shorelands extend landward from the ordinary high water mark for two hundred (200) feet.

"Shoreline areas" and "shoreline jurisdiction" means all "shorelines of the state" and "shorelands" as defined in §90.58.030 RCW.

"Shoreline Management Act" means the Washington State Shoreline Management Act of 1971 as now exists or may hereafter be amended, codified at Chapter 90.58 RCW.

"Shoreline Master Program" means Jefferson County's procedures, administrative interpretations and development regulations that direct development activities which occur within areas of its shoreline jurisdiction.

"Shoreline modification activities" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dredged basin, or bulkhead. They can include other actions, such as clearing, grading, filling, or application of chemicals.

"Shoreline permit" means a permit to conduct a development or use as defined by Chapter 90.58 RCW and this Master Program. A shoreline permit means any form of permission required under Chapter 90.58 RCW prior to undertaking activity on shorelines of the state, including a written Permit Exemption and Substantial Development, Conditional Use or Variance Permits.

"Shoreline property" means an individual property wholly or partially within shoreline jurisdiction.

"Shorelines" means all the water area of Jefferson County, including reservoirs and their associated shorelands, together with lands underlying them, except:

A. Shorelines of state-wide significance;

B. Shorelines or segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the shorelands associated with such upstream segments; and

C. Shorelines on lakes less than twenty (20) acres in size and shorelands associated with such small lakes.

"Shorelines of state-wide significance" with respect to Jefferson County means as follows:

A. Those lakes, whether natural, artificial, or a combination thereof, with a surface of one thousand (1,000) acres or more measured at the ordinary high water mark, including associated wetlands.

B. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high watermark and the line of extreme low tide, which are Hood Canal from Tala Point to Foulweather Bluff, south to the Mason-Jefferson County line, including associated wetlands.

C. Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide.

D. Those natural rivers or segments thereof downstream from a point where the mean annual flow is measured at one thousand (1,000) cubic feet per second or more. In Jefferson County these rivers are the Clearwater River, Hoh River, and Quinault River.

E. Those shorelands associated with the areas described in subsection A, B, and D of this definition.

"Shorelines of the State" means the total of all shorelines and shorelines of statewide significance.

"Significant vegetation removal" means the removal of trees, shrubs, and/or ground cover by clearing, grading, cutting, chemical means, or other activity that threatens the viability of shoreline vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, where it does not affect ecological functions, does not constitute significant vegetation removal.

"Solid waste handling and disposal facilities" means any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations; landfills; or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not

conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

"Spit" means a narrow point of land extending into a body of water.

"State Master Program" means the cumulative total of all master programs approved or adopted by the Department of Ecology.

"Stormwater" means rain or snow melt that does not naturally infiltrate into the ground but runs off surfaces such as rooftops, streets, or lawns, directly or indirectly, into streams and other water bodies or through constructed infiltration facilities into the ground.

"Stream" means a body of running water; especially such a body moving over the earth's surface in a channel or bed, as a brook, rivulet, or river.

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner on, above, or below the surface of the ground or water, except for vessels.

"Substantially degrade" means to cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment under any of the following criteria:

A. The damaged ecological function or functions affect other related functions or the viability of the larger ecosystem; or

B. The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or

C. Scientific evidence indicates that the action may contribute to damage or harm to ecological functions as part of cumulative impacts from similar permitted development on nearby shorelines.

"Substantial development" means any development with a total cost or fair market value exceeding $2,500 or that materially interferes with the normal public use of the water or shorelines of the state.

"Subtidal" means the area waterward of the line of extreme low tide.

"Swamp" means a lowland region saturated with water.

"Tombolo" means a causeway-like accretion spit connecting an offshore rock or island with the main shore.

"Transmit" means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

"Transportation facilities (primary)" means developments and structures that aid in land and water surface movement of people, goods and services. Transportation facilities can include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, heliports and other related facilities.

" Transportation facilities (accessory)" means developments and structures that aid in land and water surface movement of people and goods and similar services connected to an individual shoreline lot or parcel, and necessary for the development and use of such lot or parcel.

"Uplands" means the area above and landward of the ordinary high water mark.

"Urban growth" means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to §36.70A.170 RCW. A pattern of more intensive rural development, as provided in §36.70A.070(5)(d) RCW, is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

"Urban growth area" means those areas designated by a county pursuant to §36.70A.110 RCW, inside of which urban growth will be encouraged, and outside of which growth must be rural in character. For purposes of this Master Program, the term "urban growth areas" shall also include master planned resorts appropriately designated under either §§36.70A.360 or 36.70A.362 RCW and major industrial developments appropriately designated under either §36.70A.365 or §36.70A.367 RCW.

"Urban governmental services or urban services" means those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

"Utilities (primary)" means services or facilities that produce, transmit, store, process, or dispose of electrical power, gas, water, sewage, communications, oil, and the like.

"Utilities (accessory)" means electrical, gas, water, sewage, communications, oil and similar services and facilities connected to an individual shoreline lot or parcel, and necessary for the development and use of such lot or parcel.

"Variance" means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

"Vegetation management" means the passive or active management of existing native plant communities along all shorelines to minimize habitat loss and the impacts of invasive plants, erosion, sedimentation, and flooding.

A. "Passive vegetation management" means the protection and enhancement of existing diverse native plan communities along all shorelines, including wetlands and steep bluffs.

B. "Active vegetation management" means aquatic weed control as well as the restoration of altered or threatened shorelines using soil bioengineering. Soil bioengineering reestablishes native plant communities as a system that stabilizes the land from the effects of erosion.

"Vegetative stabilization" means planting of vegetation upon shoreline banks, slopes, or berms to retain soil and retard erosion from surface run-off; planting of aquatic vegetation offshore to reduce wave action and retain bottom materials; and utilizing temporary structures or netting to enable plants to establish in unstable areas.

"Vessel" means a ship, boat, barge, or any other floating craft that is designed and used for navigation and does not interfere with the normal public use of the water.

"View protection" means protection of the visual quality of the shoreline resource and maintenance of view corridors to and from waterways and their adjacent shoreland features.

2.070 Definitions – W through Z.

"Waste disposal" means refuse composed of garbage, rubbish, ashes, dead animals, demolition wastes, automobile parts, and similar material.

"Water-dependent use" means a use or a portion of a use that cannot exist in a location which is not adjacent to the water but is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include shop cargo terminal loading areas, fishing, ferry and passenger terminals, barge loading facilities, hydroelectric dams, irrigation facilities, and sewer outfalls.

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or, a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which, through the location, design, and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. Water-enjoyment uses may include, but are not limited to the following:

A. Parks with activities enhanced by proximity to the water;

B. Piers and other improvement that facilitate public access to the shorelines of the state;

C. Restaurants with water views and public access improvements;

D. Museums with an orientation to shoreline topics;

E. Aquariums;

F. Scientific/ecological reserves;

G. Resorts with uses open to the public and public access to the shoreline; and

H. Any combination of the uses listed above.

"Water-oriented use" means a use that is a water-dependent, water-related, or water-enjoyment use, or a combination of such uses.

"Water-related use" means a use or portion of a use that is not intrinsically dependent on a waterfront location, but which is dependent for its economic viability upon a waterfront location because of one of the following:

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

B. The use provides a necessary service supportive of the water-dependent activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Water-related uses include manufacturers of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when

transported by barge, oil refineries where transport is by tanker, and log storage for water-borne transportation.

"Waterway" means a river, channel, canal, or other navigable body of water used for travel or transport.

"Weir" or "rock weir" means a structure built seaward perpendicular to the shore for building or preserving an accretion beach by trapping littoral sand drift. Groins are generally narrow and of varying lengths and may be built in a series along the shore. See also, "groin."

"Wetland" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. Identification of wetlands and delineation of their boundaries under the Master Program shall be performed in accordance with the criteria and indicators listed in §173-22-080 WAC. These criteria and indicators along with recommended methods and additional background information can be found in the Washington State Wetland Identification and Delineation Manual, Ecology Publication #96-94.

CHAPTER 3.
MASTER PROGRAM ELEMENTS: GOALS & POLICIES

3.010 Introduction.

This section contains goals and policies that apply to all uses within the jurisdiction of this Master Program, regardless of the designated shoreline environment in which they may occur. The Act (§90.58.100(2)) RCW) requires that shoreline master programs include "elements" addressing seven topic areas, including:

A. Economic Development;
B. Public Access;
C. Recreation;
D. Circulation;
E. Shoreline Use;
F. Conservation; and
G. Historic, Cultural, Scientific, and Educational Resources.

Under the Growth Management Act (the "GMA") (§36.70A.480 RCW) and consistent with state regulatory reform efforts, the goals and policies of this Master Program are also "considered an element" of the Jefferson County Comprehensive Plan, and will be integrated within a new "Shoreline Element" of the Comprehensive Plan. By contrast, all other portions of this Master Program, including use regulations, are considered a part of Jefferson County's development regulations and will be incorporated within various chapters of the Jefferson County Unified Development Code (e.g., zoning, critical areas, etc).

3.020 Economic Development.

A. Purpose. As required by §90.58.100(2)(a) RCW, this section addresses the location and design of industries, industrial projects of state-wide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

B. Goal. *To promote viable, orderly economic growth by encouraging economic activities that will be an asset to the local economy and which result in a minimum of disruption or degradation to the quality of the shoreline and surrounding environment.*

C. Policies.

1. Promote current economic activities (e.g., shipping, marinas, aquaculture, agriculture, etc.) that have limited impacts upon the ecological functions and values of shoreline areas, and provide for environmentally sensitive new development.
2. Limit new shoreline industrial and commercial development to water-oriented uses and non-water-oriented uses that are accessory to a water-oriented use.
3. Encourage shoreline recreational uses as an economic asset that will enhance public enjoyment of the shoreline.
4. Locate new economic development activities in areas already partially developed with similar uses that are consistent with this Master Program and the Jefferson County Comprehensive Plan.
5. Approve water-related and water-enjoyment commercial and industrial projects within shorelands only when upland areas are infeasible for the desired economic activity.

3.030 Public Access.

A. Purpose. As required by §90.58.100(2)(b) RCW, this section makes provision for public access to publicly owned shoreline areas.

B. Goal. *To protect and enhance shoreline visual and physical access consistent with the Act and the Public Trust Doctrine.*

C. Policies.

1. Expand the amount and diversity of shoreline public access opportunities consistent with the character, functions and values of the shoreline, private property rights and public safety.
2. Consider public access in the review and approval of all development projects, except single-family residential development not abutting a public right of way.
3. Acquire (i.e., through purchase, donation or other agreement) and develop property to provide public access to the water's edge at regular intervals along the shoreline and at the ends of all public rights-of-way abutting the shoreline.
4. Ensure that publicly owned shoreline areas enhance public access to the water's edge, where feasible and is compatible with the functions and values of the shoreline ecology.

5. Design and screen shoreline public access points to minimize objectionable impacts on adjoining properties.
6. Ensure that public access amenities (e.g., stairs, boat launches, etc.) are as low in profile as feasible to minimize visual impacts on the shoreline.
7. Minimize shoreline public access to areas easily damaged by human presence.
8. Develop, adopt, and implement a Shoreline Public Access Plan that incorporates public access into new shoreline development and unifies individual public access points into a comprehensive system.
9. Where appropriate, encourage the development of public access to all shorelines of statewide significance.

3.040 Recreation.

A. Purpose. As required by §90.58.100(2)(c) RCW, this section addresses the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas.

B. Goal. *To encourage diverse water-oriented recreational opportunities in shoreline areas that can support such uses during peak use periods without adversely impacting the ecological functions and values of the shoreline.*

C. Policies.

1. Coordinate with the Jefferson County Parks and Recreation Division to increase opportunities for water-oriented recreation.
2. Identify, acquire (i.e., through purchase donation or other agreement) and incorporate into the county's park system shoreline areas that have a high potential to provide opportunities for public recreation or shoreline access.
3. Prohibit recreational facilities and activities that adversely affect the integrity and character of the shoreline, or which threaten fragile shoreline ecosystems.
4. Provide for both active and passive recreational needs in the development of recreational areas.
5. Support efforts of both the federal and state governments and local organizations in the acquisition and development of additional shoreline properties for public recreational uses.
6. Encourage the establishment of scenic viewpoints.

3.050 Circulation.

A. Purpose. As required by §90.58.100(2)(d) RCW, this section addresses the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities.

B. Goal. *To develop efficient and economical transportation systems which assure the safe movement of people, while minimizing disturbances to the shoreline environment as well as conflicts among different users of the shoreline.*

C. Policies.

1. Site non-water-dependent transportation and parking facilities as far upland from the land-water interface as feasible to reduce interference with both the shoreline ecology as well as other more appropriate shoreline uses.
2. Locate transportation routes to minimize impacts to the topography and other natural characteristics of the shoreline.
3. Provide and/or enhance physical and visual public access along shoreline public roads (i.e., turnouts, viewpoints and rest areas) where appropriate given topography, views and natural features.
4. Provide for alternative modes of travel when developing circulation systems within shoreline areas.

3.060 Shoreline Use.

A. Purpose. As required by §90.58.100(2)(d) RCW, this section addresses the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land. This section also addresses the pattern of distribution and location requirements of water uses, including aquaculture, recreation and navigation.

B. Goal. *To establish and implement policies and regulations for land uses that are consistent with the requirements of the Act and the GMA, and which promote shoreline use patterns which are compatible with the ecological functions and values of the shoreline environment.*

C. Policies.

1. Reserve shoreline areas for water-oriented uses, and prohibit non-water-oriented uses, except for the following: uses accessory to water-oriented uses; single-family residences; and uses that are part of mixed-use developments supporting water-oriented uses.
2. Prohibit uses that permanently and adversely alter the shoreline, or conflict with or pre-empt water-dependent uses.
3. Restrict over-water development to water-dependent and water-related uses.
4. Manage preferred shoreline uses (i.e., water-oriented uses and single-family residential use) to maintain or enhance the ecological functions and values of shoreline areas and the character of the zones in which they are located.
5. Manage Jefferson County's shorelines of state-wide significance according to the order of use preferences established in the Act.
6. Ensure that uses allowed on upland areas adjacent to shorelands are designed to avoid adverse impacts to shoreline resources and to be consistent with, and supportive of, shoreline uses.
7. Encourage the restoration of shoreline areas that have been degraded or diminished in ecological value and function as a result of past activities or catastrophic events.

8. Ensure that all new development in shoreline areas is consistent with the Land Use and Rural Element of the Comprehensive Plan and the Washington State Growth Management Act.

3.070 Conservation.

A. Purpose. As required by §90.58.100(2)(f) RCW, this section addresses the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

B. Goal. *To protect scenic and non-renewable natural resources and to encourage the conservation and protection of renewable natural resources for the benefit of present and future generations.*

C. Policies.

1. Develop and implement shoreline management practices that ensure a sustained yield of renewable shoreline resources, while preserving, enhancing and restoring unique and non-renewable shoreline resources (i.e., wetlands and critical wildlife habitat.
2. Assure that resource uses are regulated to minimize or eliminate adverse impacts to natural systems and the quality of the shoreline environment.
3. Where feasible, enhance or restore areas that are biologically and aesthetically degraded while maintaining appropriate use of the shoreline.
4. Protect the scenic aesthetic vistas of shoreline areas to the greatest extent feasible.
5. Establish and implement regulations that:
    a. Protect critical marine and terrestrial wildlife habitats;
    b. Effectively control erosion and stormwater runoff; and
    c. Maintain shoreline scenic and visual qualities.
6. Prevent interference with the natural dynamic processes of shoreline formation and change (i.e., longshore drift zones, spits, bars, berms, feeder bluffs and other critical shore features) except for compelling reasons of public necessity or benefit.
7. Protect fish and wildlife habitat and water quality by requiring vegetated buffer zones along shoreline areas.
8. Assure that commercial timber harvesting protects the environmental and scenic qualities of the shoreline environment.
    a. Require selective commercial timber harvesting within shorelands;
    b. Prohibit all commercial timber harvesting within required shoreline vegetated buffer areas;
    c. Prohibit clear-cutting within shorelands unless specifically permitted under an approved conversion option harvest plan or Class IV General Forest Practices Permit.

3.080 Historic, Cultural, Scientific and Educational Resources.

A. Purpose. As required by §90.58.100(2)(g) RCW, this section addresses protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational significance.

B. Goal. *To maintain finite and irreplaceable links to the past by identifying, preserving, protecting and restoring archaeological, historic and cultural sites.*

C. Policies.

1. Protect archaeological, historic and cultural sites and buildings identified on any national, state or local historic register from encroachment by incompatible uses.
2. Unless demonstrated to be infeasible, prevent the destruction or alteration of the following archaeological, historic, or cultural sites or buildings:
    a. Sites or buildings identified on any national, state or local historic register; and
    b. Sites or buildings inadvertently uncovered during development activities.
3. Where feasible, acquire archaeological, historical and cultural sites through purchase or gift so as to ensure their protection and preservation for present and future generations.
4. Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime activities, environmental conservation and maritime history and heritage.
5. Ensure that tribal organizations and the State Office of Archaeology and Historic Preservation are involved in the review of projects affecting archaeological, historic and cultural sites or buildings.

CHAPTER 4.
GENERAL GOALS & POLICIES

SECTIONS:

4.010 Introduction. The goals and policies contained within this chapter apply to all uses in all designated shoreline environments. These goals and policies should be used in combination with the more specific shoreline use and shoreline modification goals and policies contained within Chapters 6 and 7 of this Master Program.

4.020 Master Program Interpretation.

A. Goal. *To consistently and fairly interpret this Master Program to further the intent of the Act.*

B. Policies.

1. Ensure that all shoreline uses and shoreline modification activities, including those that do not require issuance of a Shoreline Substantial Development Permit or Shoreline Conditional Use Permit, conform to the policies and regulations of the Master Program.
2. Except for shoreline restoration and enhancement projects, require all shoreline modification activities to be in support of an allowable use that conforms to the requirements of the Master Program.
3. Do not consider Shoreline Variances or Shoreline Conditional Use Permits for shoreline uses or modification activities that are listed as "prohibited" by the Master Program.
4. Use the direction provided by the policies of the Master Program to interpret and apply the regulations of the Program.
5. In situations where the regulatory provisions of the Master Program conflict internally or with other county regulations, apply the more restrictive regulation.
6. Process uses not classified under this Master Program (i.e., "unclassified uses") as conditional uses.

4.030 Clearing and Grading.

A. Goal. *To reduce or eliminate impacts to the shoreline ecology caused by clearing and grading activities.*

B. Policies.

1. Design and conduct all clearing and grading activities to minimize impacts to water quality and wildlife habitat.
2. Limit clearing and grading activities to the minimum necessary to accommodate a proposed shoreline development.
    a. Limit clearing and grading activities within structural setback areas;
    b. Allow clearing and grading activities outside of structural setback areas only when associated with a permitted shoreline development (i.e., permitted either outright or conditionally).
3. Develop, adopt and maintain regulations that avoid the adverse environmental impacts associated with clearing and grading through the following measures:
    a. Proper site planning;
    b. Construction timing and practices;
    c. Bank stabilization; and
    d. Construction and maintenance of long-term erosion and drainage control improvements.
4. Require the prompt replanting of cleared and disturbed sites. Require replanting with vegetation from the county approved list of native and 'preferred non-native' plant species.
5. Design all clearing and grading activities with the objective of maintaining natural diversity in vegetation species, age and cover density.
6. For extensive clearing and grading proposals, require a clearing and grading plan addressing:
    a. Species removal;
    b. Replanting;
    c. Irrigation;
    d. Erosion and sedimentation control;
    e. Monitoring or a long-term maintenance plan; and
    f. Other riparian corridor protection methods, if necessary.

4.040 Critical Areas.

A. Goal. *To protect and enhance critical environmental areas.*

B. General policies.

1. Discourage intensive development of shorelines identified as hazardous for, or sensitive to, development.
2. Protect unique, rare and fragile natural features, scenic vistas and wildlife habitats from unnecessary degradation or interference.
3. Protect areas with unique or fragile geological or biological characteristics from public access.

C. Wetland policies.

1. Protect the valuable functions and values of wetland areas (e.g., flood storage and conveyance, sediment control, fish and wildlife habitat, etc.).
2. Regulate to ensure no net loss of wetland acreage and functions.

3. Establish regulations that provide the greatest level of protection to wetlands with exceptional resource value (i.e., wetlands that include rare, sensitive or irreplaceable systems), including:
    a. Documented or potential habitat for an endangered, threatened or sensitive species;
    b. High quality native wetland systems;
    c. Significant habitat for fish or aquatic species, as determined by the appropriate state resource agency;
    d. Mature forested swamp communities;
    e. Sphagnum bogs or fens; and
    f. Estuarine wetlands, kelp beds or eelgrass beds.
4. Require adequate buffer zones between wetlands and adjacent development to protect the functions and integrity of wetlands.
5. Establish buffer widths based on the functions and sensitivity of the wetland and the potential impacts associated with the proposed adjacent land use.
6. Control activities within wetlands and their associated buffers that have the potential to pose adverse impacts to wetland functions and values.
7. Prohibit wetland alterations unless the project proponent demonstrates that the impact is unavoidable, necessary and minimized, and that any remaining impacts are offset through the deliberate restoration, creation or enhancement of wetlands.
8. Ensure that wetland restoration, creation and enhancement projects do not cause a net loss of wetland acreage and functions.
9. Encourage in-kind replacement of wetlands that must be unavoidably altered by development. Where in-kind replacement is not feasible, require substitute resources of equal or greater ecological value.
10. Encourage on-site and in-kind replacement of wetlands that will be unavoidably altered by development. Where on-site replacement is not feasible, require that replacement wetlands be located within the same watershed and as near as feasible to the development site.
11. Where feasible, require wetland restoration, creation and enhancement projects to be completed prior to use or occupancy of the new development.
12. Require that proposals for wetland restoration, creation or enhancement be coordinated with appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.
13. Prohibit uses and activities within wetlands and their buffers except for uses and activities that:
    a. Have no adverse impacts on wetland ecosystem functions; or
    b. Are necessary to allow reasonable use of the property.
14. Require that wetland buffers be retained in their existing natural condition unless revegetation is necessary to restore the buffer.
15. Include a "reasonable use exception" within implementing regulations to allow reasonable economic use of permitted uses within parcels affected by wetlands.

D. Geologically hazardous areas policies.

1. Discourage development on unstable and moderately unstable slopes.
2. Encourage development in locations where slope protection is unnecessary or where non-structural protection (e.g., setbacks) is sufficient for the life of the project.
3. Require natural buffers in proximity to bluffs.
4. Require that structures be designed and constructed to be safe for a useful lifespan without requiring construction of retaining walls or bulkheads during that time.
5. Require that new lots subdivided on bluffs be of sufficient width and depth to allow development to occur without necessitating bulkheading or other structural stabilization.
6. For new development within geologically hazardous areas, require a geotechnical report assessing the safety of the site and addressing drainage, grading and clearing issues.

E. Saltwater fish and wildlife habitat policies.

1. Review, and amend the Jefferson County Interim Critical Areas Ordinance to appropriately classify, designate, and regulate to protect critical saltwater habitats, including:
    a. Kelp beds;
    b. Eelgrass beds;
    c. Surf smelt spawning beds;
    d. Pacific herring spawning beds;
    e. Pacific sand lance spawning beds;
    f. Rock sole spawning beds;
    g. Rockfish settlement and nursery areas;
    h. Lingcod settlement and nursery areas; and
    i. Shellfish beds, including, but not limited to the following: Pacific oyster; Olympia oyster; razor clam; native little neck clam; Manila clam; butter clam; Geoduck; horse clam; cockle; and the eastern soft shelled clam.
2. Locate uses, activities and structures outside of critical saltwater habitats, except for public or semipublic facilities that cannot be practicably located elsewhere.
3. Require project mitigation measures that, to the greatest extent feasible, minimize adverse environmental impacts to critical saltwater habitat in instances where no alternative exists to locating a use, activity, or structure within such an area.
4. Ensure that development within or adjacent to critical saltwater habitats does not directly or indirectly alter the composition of the beach and bottom substrate, except for permitted habitat enhancement and restoration projects.
5. Ensure that developments located outside of critical saltwater habitats are designed, constructed and operated in a manner that does not adversely affect such habitats.

6. Communicate between other applicable agencies which may have jurisdiction when reviewing permit applications for uses, activities and structures in salt water areas waterward of the ordinary high water mark (OHWM), to determine if the proposal will occur in a known critical saltwater habitat.

7. Require project proponents to fund appropriate reconnaissance-level studies to determine whether critical saltwater habitats exist, if both of the following conditions apply to the proposal and/or proposal site:

   a. The proposed development, use or activity has a significant potential to adversely affect a critical saltwater habitat; and

   b. The beach or saltwater area that may be impacted by the proposed development, use or activity is the type of environment in which a critical saltwater habitat typically occurs.

F. Fish and wildlife habitat policies (including salmonid habitats).

1. Protect salmonid habitats in order to maintain and enhance the aquatic ecosystem as well as the state and local economy.

2. Review, and if necessary, amend the Jefferson County Interim Critical Areas Ordinance to appropriately classify, designate, and regulate to protect salmonid habitats, including:

   a. Gravel bottomed streams, creeks and rivers used for spawning;

   b. Streams, creeks, rivers, side channels, ponds, lakes and wetlands used for rearing, feeding and cover, and refuge from predators and high waters;

   c. Streams, creeks, rivers estuaries and salt water bodies used as migration corridors; and

   d. Shallow areas of saltwater bodies used for rearing and feeding and refuge from predators and ambient conditions.

3. Prohibit all non-water-dependent and non-water-related uses within salmonid habitat areas.

4. Where feasible, require water-dependent and water-related uses to locate outside of known salmonid habitats.

5. In instances where no feasible alternative location for a use or activity exists outside a salmonid habitat, require project mitigation measures that minimize adverse impacts to the greatest extent feasible, including, but not limited to:

   a. In-kind replacement of the habitat near the project site, where feasible; or

   b. Rehabilitation of degraded habitat where in-kind replacement is infeasible.

6. Require that project mitigation proposals be drafted in consultation with appropriate federal and state agencies, and affected Tribal Nations.

7. Ensure that developments located outside of salmonid habitats are designed, constructed and operated in a manner that does not adversely affect such habitats.

8. Give preference to bioengineered methods rather than rock armoring methods for bank protection along shoreline areas used by salmonids.

9. Give preference to floating structures and wide-span structures rather than landfills and solid structures in waters used by salmonids.
10. To protect salmonid species, new bridge construction should be of a wide-span design, unless demonstrated by the project proponent to be infeasible.
11. For upland developments in proximity to salmonid habitats, minimize impervious surfaces to reduce stormwater runoff peaks.
12. Require that structures and uses creating significant new impervious surfaces include stormwater detention systems to reduce stormwater runoff .
13. Establish development standards to reduce the discharge of silt into waterways during in-water and upland construction.
14. Encourage "adopt-a-stream" programs and similar volunteer/cooperative efforts to rehabilitate salmonid spawning streams.
15. Encourage fishery enhancement projects in situations where they will not significantly interfere with other beneficial uses.

4.050 Environmental Impacts.

A. Goal. *To minimize shoreline and water quality degradation caused by the introduction of contaminants (e.g., petroleum products, chemicals, solid waste, and domestic or industrial wastewater) and sediment from erosion.*

B. Policies.

1. During all phases of development (i.e., design, construction, management and use) minimize the adverse impacts of shoreline uses and activities on the environment.
2. Ensure that the location, design, construction and management of all shoreline uses and activities protects the quality and quantity of surface and ground water on, and adjacent to, the site.
3. Prohibit the entry of solid and liquid wastes and untreated effluents into bodies of water, or discharges of the same onto land.
4. Prohibit the release of oil, chemicals or hazardous materials onto land or into water.
5. Require effective erosion control methods for all shoreline development during both construction and operation.
6. Discourage the application of fertilizers, herbicides and pesticides in areas close to wetlands or open water.
7. Require shoreline uses and activities to be designed, constructed and managed to minimize interference with beneficial shoreline processes (e.g., water circulation, sand and gravel transport, erosion, and accretion).

4.060 Vegetation Management.

A. Goal. *To minimize habitat loss and the impact of invasive plants, erosion, sedimentation and flooding in shoreline areas.*

B. Policies.

1. Protect and maintain native plant communities within and bordering shorelines of the state to minimize damage to the shoreline ecology.

2. Where feasible, restore degraded shorelines through soil bioengineering techniques that stop or slow the processes of erosion, sedimentation and flooding.

3. Encourage the use of naturally regenerating systems for the prevention and control of beach erosion in situations where:

   a. The configuration and length of the beach will accommodate such systems;

   b. Protection is a reasonable solution to the needs created by the site; and

   c. Beach restoration/enhancement will recreate or enhance natural shoreline conditions and habitat, reverse erosional conditions, and enhance access to the shoreline.

4. Ensure that aquatic weed management regulations include provisions which:

   a. Encourage prevention over active removal and destruction;

   b. Mitigate impacts to native plant communities; and

   c. Address appropriate methods for handling and disposal of weeds.

5. Require natural buffers in proximity to bluffs.

6. Discourage the propagation and planting of non-native plants within and bordering shorelines of the state.

4.070 View Protection.

A. Goal. *To protect the public's opportunity to visually enjoy the aesthetic qualities of shorelines of the state.*

B. Policies.

1. Ensure that development, uses and activities on or near the shoreline do not impair or detract from the public's visual access to the water.

2. Protect and enhance public views from the shoreline and upland areas. (Note: The phrase "enhancing public views" should not be construed to allow the removal or topping of native vegetation that may impair views).

3. Protect and enhance shoreline visual access on shoreline street ends, public utilities and rights-of-way, and within "view corridors," if designated by Jefferson County.

4.080 Water Quality.

A. Goal. *To effectively manage shoreline uses and modification activities in order to protect the quality of waters of the state while concurrently safeguarding public health and safety and wildlife habitat.*

B. Policies.

1. Locate, design, construct and maintain all shoreline uses and activities to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing and feeding areas and migratory routes.

2. Require reasonable setbacks, buffers and stormwater controls to reduce adverse impacts upon water quality.

3. Locate, design, construct and maintain all measures for controlling erosion, stream flow rates or floodwaters so that net off-site water quality impacts are not degraded.

4. Conduct all measures for the treatment of runoff water quality on-site.

5. Conduct all filling and dredging activities to minimize the effect on water quality from the addition of suspended solids, leaching of contaminants or disturbance of habitats, consistent with other applicable agency requirements (e.g., Department of Fish and Wildlife, Corps of Engineers, etc.).
6. Minimize the impacts of agricultural activities to water quality by implementing best management practices, buffers and setbacks.

CHAPTER 5.
SHORELINE ENVIRONMENTS

SECTIONS:

5.10 Establishment of Shoreline Environments.

A. Environments established. Jefferson County shall be divided into shoreline environments that are consistent with, and implement the Washington State Shoreline Management Act, Chapter 90.58 RCW, the Shoreline Master Program Guidelines, Chapter 173-26 WAC, and the Jefferson County Comprehensive Plan. The following shoreline environments are hereby established:

1. Aquatic;
2. Natural;
3. Public conservancy;
4. Rural conservancy;
5. Rural intensive;
6. Urban residential; and
7. Urban high intensity.

B. Parallel environments. In some instances, this Master Program divides upland areas into dual or "parallel" environments to reflect specific environmental conditions or physical features. This approach allows a more restrictive environment to be applied to areas in close proximity to the ordinary high water mark, while allowing a less restrictive environment to be applied to those areas further from the ordinary high water mark within the shoreline jurisdiction

Parallel environments include the following designations:

1. Natural – Rural Conservancy;
2. Natural – Urban High Intensity;
3. Urban Conservancy – Urban Residential; and
4. Urban Conservancy – Urban High Intensity.

Under this Master Program, parallel environments have been assigned to accomplish a variety of objectives, such as: protecting critical shoreline functions; allowing differentiation of shoreline use areas with greater precision; setting buildings back from key shoreline areas; and permitting more intensive development in upland areas of the shoreline jurisdiction.

5.020 Official Shoreline Environments Designation Map.

A. Map established. The location and extent of areas under the jurisdiction of this Master Program, and the boundaries of the various shoreline environments affecting the lands and waters of the county shall be as shown on the map, entitled, "Official Shoreline Environments Designation Map, Jefferson County, Washington." The official shoreline map and all the notations, references, and amendments thereto and other information shown thereon are hereby made a part of this Master Program, just as if such information set forth on the map were fully described and set forth herein.

B. File copies. The official shoreline map shall be kept on file in the office of the Jefferson County Department of Community Development, the Washington State Department of Ecology, and the Washington State Code reviser. Unofficial copies of the map may be prepared for administrative purposes. It shall be the responsibility of the Jefferson County Department of Community Development to keep the map current and in a readable condition.

C. Map amendments. The designation map is an inseparable part of this Master Program and may not be amended except upon approval of the Washington State Department of Ecology as provided under the Act.

5.030 Boundary Interpretation.

Where uncertainty or conflict may occur in the exact location of a jurisdictional boundary line, the Shoreline Administrator shall rely upon common boundary descriptions and criteria contained in Chapter 173-22 WAC rather than the incorrect or outdated map.

5.040 Shorelines of Statewide Significance.

A. Definition. Jefferson County's shorelines of statewide significance include the following:

1. Those lakes, whether natural, artificial, or a combination thereof, with a surface of one thousand (1,000) acres or more measured at the ordinary high water mark, including their associated wetlands;
2. Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide,

which are Hood Canal from Tala Point to Foulweather Bluff, south to the Mason-Jefferson County line, including their associated wetlands;

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

4. Those natural rivers or segments thereof downstream from a point where the mean annual flow is measured at one thousand (1,000) cubic feet per second or more; in Jefferson County these rivers include the following:

a. The Clearwater River from the confluence of Miller Creek within Section 27, Township 25 North, Range 12 West, W.M., downstream, excluding federal lands, to the Quinault Indian Reservation within Section 29, Township 24 North, Range 10 West, W.M.;

b. The Hoh River from the Olympic National Park boundary within Section 29, Township 27 North, Range 10 West, W.M., downstream to the Hoh Indian Reservation within Section 20, Township 26 North, Range 13 West, W.M.;

c. The Quinault River from the east section line of Section 33, Township 24 North, Range 8 West, W.M., downstream to the Hoh Indian Reservation within Section 20, Township 27 North, Range 13 West, W.M.

B. Policy. Manage Jefferson County's shorelines of statewide significance according to the order of use preferences established in the Act:

1. Recognize and protect statewide over local interests;
2. Preserve the natural character of the shoreline;
3. Promote uses that result in long-term over short-term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly-owned areas of the shoreline;
6. Increase recreational opportunities for the public along the shoreline; and
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

5.050 Purposes, Designation Criteria, and Management Policies – Aquatic Environment.

A. Purposes. The purposes of the Aquatic environment are as follows:

1. To protect the unique characteristics of the Aquatic environment by managing uses and activities.
2. To assure compatibility between upland and aquatic uses.
3. To promote uses which sustain the natural features and resources of water areas.

B. Designation criteria. The Aquatic environment shall be applied to the following areas, including their respective water columns and underlying lands:

1. All marine water areas waterward of the ordinary high-water mark.
2. All lakes designated shorelines of the state lying waterward of the ordinary high water mark.
3. All rivers and streams designated shorelines of the state.

C. Management policies.

1. Allow over-water structures only for uses that are water-dependent or water-related or for public access.
2. Provided that use conflicts can be avoided, encourage multiple use of over-water facilities in order to reduce the impacts of development and increase effective use of water resources (e.g. community public access or recreational sites in conjunction with marinas).
3. Locate and design all developments and activities using navigable waters or their underlying lands to:
    a. Minimize interference with surface navigation;
    b. Mitigate adverse impacts to public views;
    c. Allow for the safe, unobstructed passage of all fish and wildlife, particularly those species dependent on migration; and
    d. Protect existing aquatic vegetation and shellfish habitat.
4. Prohibit activities that substantially degrade critical saltwater and freshwater habitats unless such activities are necessary to achieve the objectives of the Act (§90.58.020 RCW), and the project includes mitigation measures that result in no net loss in critical ecological functions.
5. Design and manage shoreline uses and modification activities to prevent damage to water quality and natural shoreline functions (e.g., littoral drift cells).
6. Ensure that use and activity regulations implementing this environment identify and protect the following:
    a. Waters with important ecological functions, including critical saltwater habitats that must remain undisturbed in order to continue providing such functions; and
    b. Waters that must remain open to protect rights of navigation; and
    c. Waters that must be protected due to their special scenic value and unique recreational opportunities.
7. Ensure that all activities and development within this environment are compatible with the adjoining upland environment(s). Specifically, structures and activities permitted within areas designated Aquatic should be related in size, form, design, and intensity to those permitted in the immediately adjacent upland environment(s).
8. Encourage and develop diverse public access in locations compatible with existing aquatic and upland uses.
9. Prohibit new facilities for deep draft vessels in areas where extensive initial or subsequent maintenance dredging will be required.
10. In locations where the state owns abutting uplands, give priority to joint development of the uplands and second class tidelands for public use.
11. Allow underwater pipelines and cables only when the potential adverse environmental impacts are less than the impact of the upland alternatives.
12. Consider potential use conflicts in the review of proposed aquatic developments, including, but not limited to: navigation; commercial and sport fishing; and recreation activities. Prohibit development where it would materially interfere with existing uses, or with future uses reserved by this Master Program.

13. Require the removal of an abandoned structure when it no longer serves its permitted use, except when retaining such structures will provide an environmental benefit.

5.060 Purposes, Designation Criteria, and Management Policies – Natural Environment.

A. Purposes. The purposes of the Natural environment are as follows:

1. To protect and restore those shoreland areas relatively free of human influence or possessing natural functions intolerant of human use.
2. To restrict the intensities and types of uses permitted in order to maintain the integrity of the natural shoreland environment.
3. To allow valuable natural features and resources to continue to change or evolve through natural processes.

B. Designation criteria. The Natural environment shall be applied to shoreland areas that are relatively free of human influence or disturbance and which possess any one or more of the following characteristics:

1. Areas that are currently performing an important or irreplaceable function in the shoreline ecosystem.
2. Areas that have been degraded by development activities but which have the potential to be easily restored to a natural or near natural condition or are capable of natural regeneration if left undisturbed.
3. Areas representing ecosystems and geologic types that are of particular scientific and educational interest, including the following:
    a. Areas which represent a high ecological quality of undisturbed natural areas; or
    b. Areas with established histories of scientific research.
4. Areas considered critical wildlife habitat because they are currently documented as providing one of the following functions:
    a. Providing food, water or cover and protection for any rare, endangered or threatened species, or for significant populations of flora or fauna during critical stages of their life cycle, and;
    b. Serving as a seasonal habitat for concentrations of native fish and wildlife (e.g., migration routes, breeding sites, larval rearing grounds, or spawning sites).
5. Areas possessing severe development limitations, due to the presence of critical environmental features including:
    a. High-risk landslide hazard areas;
    b. Erosion hazard areas and feeder bluffs;
    c. Frequently flooded areas; and
    d. Geohydraulic shoreforms (e.g., accretion beaches, point bars, spits, etc.).
6. Outstanding or unique scenic features in their natural state, or areas having a high value in their natural states for low-intensity recreational uses.

[Note: The Natural environment is typically applied to largely undisturbed and ecologically intact wetlands, estuaries, unstable bluffs, coastal dunes, spits, and riparian habitats.]

C. Management policies.

1. Prohibit any use or activity that would substantially degrade the ecological functions or natural character of the shoreland area, including, but not necessarily limited to:
    a. Residences;
    b. Commercial activities;
    c. Industrial activities;
    d. Forestry;
    e. Agriculture;
    f. Mining;
    g. Non-water-oriented recreation; and
    h. Roads and parking areas that can be located outside of the Natural environment designation.
    i. Public access improvements (e.g., trams, stairways, docks, etc.).
2. Prohibit construction of new structural shoreline stabilization and flood control works except where there is a demonstrated need to protect ecological functions and mitigation is applied consistent with State Department of Ecology Shoreline Rules.
3. Allow limited access for scientific, historical, cultural, educational, and low-intensity recreational purposes, provided that no significant adverse impact on the area will result.
4. Ensure that uses and activities permitted in areas adjacent to the Natural environment (i.e., whether located upland or waterward) are compatible and that they will not compromise the integrity of the designation.

5.070 Purposes, Designation Criteria, and Management Policies – Public Conservancy Environment.

A. Purposes. The purposes of the Public Conservancy environment are as follows:

1. To protect, conserve and enhance the ecological functions, existing resources, and valuable historic and cultural areas on publicly owned lands.
2. To provide the public with recreational opportunities consistent with ecological protection and enhancement.

B. Designation criteria. The Public Conservancy environment shall be applied to publicly owned shorelands dedicated for public use as a park, recreational site, or open space that do not meet the designation criteria for the Natural environment.

C. Management policies.

1. Dedicate all park land improvements for public use or the support of such use.
2. Allow expansion of park facilities only when such expansion will increase recreation opportunities for the public, while concurrently preserving or enhancing the ecological functions of the shoreline.

3. Ensure that development practices and proposals demonstrate preservation of natural features and environmentally sensitive methodologies to serve as examples for public education.

4. Prohibit construction of new structural shoreline stabilization and flood control works except where there is a demonstrated need to protect an existing structure and mitigation is applied consistent with State Department of Ecology Shoreline Rules, or to protect ecological functions. Require new development to be designed to preclude the need for such work.

5. Ensure that resource preservation is given priority over public access, recreation, and development objectives whenever a significant conflict exists.

6. Ensure that uses and activities permitted in areas adjacent to the Public Conservancy environment (i.e., whether located upland or waterward) are compatible and that they will not compromise the integrity of the designation.

7. Establish impervious surface area limitations for lot or parcel areas lying within the shoreline jurisdiction in order to minimize impacts to the shoreline ecology.

5.080 Purposes, Designation Criteria, and Management Policies – Rural Conservancy Environment.

A. Purposes. The purposes of the Rural Conservancy environment are as follows:

1. To protect, conserve, and enhance ecological functions, existing natural resources, and valuable historic and cultural areas.

2. To guide and provide opportunities for uses which achieve ecological protection and sustainable resource use.

3. To protect rural areas of low density development from high intensity commercial, industrial and residential development.

[Note: Examples of uses that are appropriate in a Rural Conservancy environment include: timber harvesting on a sustained-yield basis; agricultural uses such as farming, pasture, aquaculture; dispersed outdoor recreation activities; residential development consistent with the comprehensive plan's land use and rural elements, and Chapter 36.70A RCW; and other related low-intensity uses and activities].

B. Designation criteria. The Rural Conservancy environment shall be applied to shorelands located outside of urban growth areas (UGAs), rural village centers (RVCs), and rural crossroads (RCs) that do not meet the designation criteria for the Natural or Public Conservancy environments. [Note: UGA, RVC and RC designations must conform with the land use and rural elements of the comprehensive plan, and the statutory requirements of §36.70A.110 RCW (i.e, UGAs) and §36.70A.070(5)(d) RCW (i.e., areas of more intensive rural development)].

C. Management policies.

1. Encourage uses and activities that sustain the physical and biological resources of the shoreline area.

2. Encourage uses and activities that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

3. Encourage uses that contribute to habitat restoration and environmental enhancement.

4. Prohibit commercial and industrial uses except for agricultural practices, commercial forestry, and aquaculture when these activities are otherwise consistent with provisions of this Master Program.

5. Allow sustainable water-dependent, water-related and water-enjoyment recreational facilities (e.g., boat-launches, angling, wildlife viewing trails, and swimming beaches), provided that the potential for environmental damage to the shoreline from such uses is mitigated.

6. Prohibit activities and uses that would substantially degrade or permanently deplete the physical or biological resources of the area.

7. Prohibit construction of new structural shoreline stabilization and flood control works except to protect ecological functions or where there is a demonstrated need to protect an existing structure and mitigation is applied consistent with State Department of Ecology Shoreline Rules. Require new development to be designed to preclude the need for such work.

8. Ensure that uses and activities permitted in areas adjacent to the Rural Conservancy environment (i.e., whether located upland or waterward) are compatible and that they will not compromise the integrity of the designation.

9. Ensure that new residential development reflects the character of the surrounding area by limiting density, requiring permanent open space, and requiring appropriate shoreline setbacks.

10. Identify non-conforming uses and implement measures to reduce impacts of such uses to the shoreline ecology.

11. Design and manage shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications to ensure that the natural shoreline functions are enhanced over time.

12. Ensure that the use regulations for this designation allow for the continuation of lesser intensity resource-based activities (e.g., agriculture, forestry, or recreational uses) and low-density rural residential uses, while concurrently providing protection for the essential functions of the shoreline.

5.090 Purposes, Designation Criteria, and Management Policies – Rural Intensive Environment.

A. Purposes. The purposes of the Rural Intensive environment are as follows:

1. To provide economic development and recreational opportunities at a rural scale and intensity.

2. To protect, conserve and enhance shoreline ecological functions, resources and character.

[Note: Examples of uses that are appropriate in the Rural Intensive environment include outdoor recreation activities and a mixture of rural residential commercial and industrial development consistent with the comprehensive plan's land use and rural elements and §36.70A.070(5)(d) RCW, and other related low-intensity uses and activities.]

B. Designation criteria. The Rural Intensive environment shall be applied to shorelands within rural village centers (RVCs), rural crossroads (RCs), and resource-based industrial zones (RBIZs) that do not meet the criteria for the Natural, Public Conservancy or Rural Conservancy environments. [Note: RVC and RC designations

must conform to the land use and rural elements of the comprehensive plan, and the statutory requirements of §36.70A.070(5)(d) RCW (i.e., areas of more intensive rural development). Examples of commercial areas within Jefferson County shorelines that meet these criteria are as follows: WaWa Point Convenience Crossroad, Nordland Conveniences Crossroad; Discovery Bay Neighborhood/Visitor Crossroad; Chimacum Neighborhood/Visitor Crossroad; Brinnon Rural Village Crossroad; and the Quilcene Rural Village Center.]

C. Management policies.

1. Allow sustainable, water-oriented commercial and industrial uses in rural communities that possess shoreline conditions and services to support the development.
2. Encourage shoreline habitat restoration and environmental enhancement uses.
3. Allow sustainable water-dependent, water-related and water-enjoyment recreational facilities (e.g., boat launches, angling, wildlife viewing trails, and swimming beaches), provided that the potential for environmental damage to the shoreline is mitigated.
4. Prohibit activities and uses that would substantially degrade or permanently deplete the physical or biological resources of the area.
5. Encourage the use of soft-bank protection methods for shoreline stabilization and flood control. To the extent feasible, require new development to be designed to reduce the need for shoreline stabilization and flood control works. Ensure that all such works are mitigated consistent with State Department of Ecology Shoreline Rules.
6. Ensure that uses and activities permitted in areas adjacent to the Rural Intensive environment (i.e., whether located upland or waterward) are compatible and that they will not compromise the integrity of the designation.
7. Establish impervious surface area limitations for lot or parcel areas lying within the shoreline jurisdiction in order to minimize impacts to the shoreline ecology.
8. Design and manage shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications to achieve no net loss to shoreline ecological functions. Where reasonably calculated to prevent or compensate for the adverse impacts of a proposed development, require shoreline rehabilitation.
9. Ensure that the use regulations for this designation allow for the continuation of intensive commercial and industrial activities, while concurrently maintaining rural character and protecting the essential functions of the shoreline.
10. Permit water-dependent and water-related uses outright. Conditionally permit water-enjoyment uses. Prohibit non-water-oriented uses except as part of mixed-use developments supporting water-oriented uses.
11. Where appropriate and as a condition of approval for new development, require cleanup and rehabilitation of the shoreline ecology, in accordance with state and federal requirements.

12. Where feasible, require visual and physical public access. Where appropriate, require that industrial and commercial facilities be designed to permit pedestrian shoreline access.

5.100 Purposes, Designation Criteria, and Management Policies – Urban Residential Environment.

A. Purposes. The purposes of the Urban Residential environment are as follows:

1. To accommodate residential development and associated uses in areas where urban services exist or are planned.
2. To minimize the impacts of residential development on the shoreline ecology.
3. To provide appropriate public access and recreational uses.

B. Designation criteria. The Urban Residential environment shall be applied to shorelands within urban growth areas (UGAs) or Master Planned Resorts (MPRs) that do not meet the criteria for the Natural or Public Conservancy environments and that are predominantly developed for single-family or multi-family residential use or are planned and platted for residential development.

C. Management policies.

1. Permit developments only in those shoreland areas where hazards to the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects and enhances ecological functions.
2. Set densities or minimum frontage standards to protect the shoreline ecology and functions based on the following considerations:
    a. Critical environmental features and sensitivity of the shoreline area;
    b. The development character and land parcel pattern;
    c. Level of infrastructure and services available or planned; and
    d. Other comprehensive planning considerations.
3. Establish development standards for shoreline stabilization, vegetation management, critical area protection, and water quality, to protect and, where significant ecological degradation has occurred, enhance ecological functions over time.
4. Require multifamily and multiple lot residential and recreational developments to provide public access and areas for joint-use, community use, or public open space.
5. Require that access, utilities, and public services be available and adequate to serve existing needs and/or planned future development.
6. Limit commercial development to water-oriented uses that serve local residents.
7. Ensure that new development or expansion or remodeling of existing development does not substantially degrade the shoreline ecology or conflict with water-dependent uses.

8. Ensure that uses and activities permitted in areas adjacent to the Urban Residential environment designation (i.e., whether located upland or waterward) are compatible and that they will not compromise the integrity of the designation.

5.110 Purposes, Designation Criteria, and Management Policies – Urban High Intensity Environment.

A. Purposes. The purposes of the "urban high-intensity" environment are as follows:

1. To ensure optimum use of shorelines that are either presently urbanized or planned for urbanization.
2. To prevent degradation of ecological functions.
3. To effectively manage the shoreland environment for a variety of urban uses.

B. Designation criteria. The "urban high-intensity" environment shall be applied to shorelands within areas of permissible urban development (i.e, UGAs designated under §36.70A.110 RCW as well as new fully contained communities, master planned resorts and major industrial developments permitted under §§36.70A.350 through 36.70A.367 RCW), and shorelines outside of urban growth areas designated as heavy industrial (HI) on August 28, 1998, that do not meet the criteria for the Natural, Public Conservancy, and Urban Residential environment designations and which currently support, or are suitable and planned for, water-dependent uses related to commerce and navigation (e.g., harbor areas and marinas). Examples of areas within Jefferson County shorelines that meet these criteria are as follows: portions of the Port Ludlow MPR (i.e., those designated Resort Complex/Community Facility) and the Port Townsend Paper Mill.

C. Management policies.

1. Permit water-dependent and water-related uses outright. Conditionally permit water-enjoyment uses. Prohibit non-water-oriented uses except as part of mixed-use developments supporting water-oriented uses.
2. Achieve full use of existing urban areas before allowing further expansion of high intensity development. Use reasonable long-range projections of regional economic need to guide the amount of shoreline designated high-intensity. Encourage the redevelopment of underused areas.
3. Where appropriate, as a condition of approval for new development at a site within an area shown to be biologically, chemically and/or physically degraded by past activities require that the shoreline be restored to a more ecologically productive state.
4. Where feasible, require visual and physical public access. Where appropriate, require that industrial and commercial facilities be designed to permit pedestrian shoreline access. Consider developing, adopting and implementing a Comprehensive Public Access Plan to encourage planning for the acquisition of land for permanent public access to the water in the high-intensity environment.
5. Actively implement aesthetic objectives through means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. [Note: This guideline should be implemented by adopting a master program policy for aesthetic

objectives on the shoreline, which in turn will be implemented through other development regulations, such as sign or design review ordinances

6. Ensure that uses and activities permitted in areas adjacent to the "urban high-intensity" environment designation (i.e., whether located upland or waterward) are Compatible and that they will not compromise the integrity of the designation.

CHAPTER 6.
SHORELINE USES & ACTIVITIES: GOALS & POLICIES

SECTIONS:

6.10 Agriculture.

A. Introduction.

Agriculture is the cultivation of soil, production of crops, or the raising of livestock. Related agricultural activities may also include tilling, fertilizer application, soil preparation and maintenance, harvesting and the control of weeds, plant diseases and insect pests. Agriculture also includes animal husbandry practices associated with the feeding, housing, maintenance and marketing of animals such as beef cattle, dairy cows, breeding stock, horses and poultry and their by-products (excluding 'hobby farms').

B. Goal. *Minimize the impacts of new agricultural uses on the natural functions and values of the shoreline environment.*

C. Policies.

1. Ensure that agricultural activities are designed to minimize impacts to shoreline environments, specifically to reduce the following:
    a. Livestock intrusion into the water; and
    b. Bank erosion.
2. Adopt and maintain regulatory standards for new agricultural activities within the shoreline jurisdiction that address the following:
    a. Setbacks;
    b. Water quality protection; and
    c. Environmental impacts.
3. Ensure that regulatory requirements for setbacks are based on best available science and/or management practices that are necessary to protect the functions and qualities of the shoreline environment.

a. For riparian corridors with priority species, adopt and implement regulations sufficient to achieve a net increase in habitat viability.

b. For areas degraded through development or agricultural practices, adopt and implement regulations that result in improved habitat over time.

4. Prohibit the creation of new agricultural land by diking, draining or filling tidelands, tidal marshes and associated marshes, bogs, and swamps.

5. Require vegetative buffers between agricultural lands and water bodies or wetlands in order to accomplish the following:

a. Reduce bank erosion and sedimentation;

b. Enhance water quality by slowing and filtering runoff; and

c. Maintain fish and wildlife habitat.

6. Require best management practices (BMPs) to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish and animal life from improper fertilizer and pesticide use.

7. Promote cooperative arrangements between farmers and public recreation agencies to allow public use of shorelines where it does not conflict with agricultural operations.

6.020 Aquaculture.

A. Introduction.

1. Aquaculture can be carried out in subtidal, intertidal, upland, and fresh water areas. The subtidal area is seaward of the line of extreme low tide. The intertidal area is seaward of the ordinary high water mark and landward of the line of extreme low tide. The upland area is landward of the ordinary high water mark.

2. Aquaculture is further divided into floating aquaculture, where organisms are suspended in water by pens, nets, or lines; seabed aquaculture where organisms are cultivated and harvested along the bed of a body of water; and upland aquaculture where organisms are grown landward of the ordinary high water mark.

3. For the purposes of this Master Program, related development such as offices, wholesale and retail sales, processing, packaging, and product storage facilities are not considered aquaculture practices and shall be reviewed as commercial development when conducted within the shoreline jurisdiction. Bleeding of fish shall not be considered as processing if blood is collected on-site and then disposed of upland consistent with applicable regulations.

B. Goal. *To minimize the impacts of aquacultural uses upon the natural functions and values of the shoreline environment.*

C. Policies.

1. Encourage those aquaculture activities that are consistent with the applicable provisions of this Master Program.

2. Identify areas with a high potential for aquacultural use and protect such areas from degradation by other land and water uses.

3. When reviewing applications for new aquacultural uses, consider the possible positive impacts of the proposed use as well as potential adverse impacts to the following:
    a. The physical environment;
    b. Other existing and approved land and water uses (e.g., navigation, tribal "usual and accustomed fishing grounds," and public access); and
    c. The aesthetic qualities of the project area.
4. Aquaculture developments should be separated by a sufficient distance to ensure that significant adverse cumulative effects do not occur.
5. Aquaculture developments should be designed and located to ensure that they do not have a significant adverse impact on natural dynamic prcesses of shoreline formations or change.
6. Aquaculture developments should not interfere with the migration of aquatic organisms except where specifically permitted to do so by the design or operation of the facility.
7. Only minimal and appropriate application of approved pesticides, herbicides, antibiotics, vaccines, growth stimulates, and/or other chemicals should be utilized for Aquaculture activities.
8. Only Federal and State approved anti-fouling agents should be used in aquaculture developments.
9. Prohibit aquaculture in the following areas:
    a. Areas with little space for the type(s) of aquaculture proposed;
    b. Areas with water quality problems that make them unsuitable for the type(s) of aquaculture proposed;
    c. Areas devoted to established uses of the Aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict (e.g., navigation, moorage, sport or commercial fishing, log rafting, underwater utilities and active scientific research);
    d. Areas where the design or placement of the facilities would substantially degrade the aesthetic qualities of the shoreline;
    e. Areas where an aquacultural proposal would result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval; and
    f. Areas near wildlife refuges or critical habitats where the proposed activity would adversely affect the refuge or habitat use or value.
10. Give preference to those forms of aquaculture that involve fewer environmental and visual impacts.
    a. Generally, give preference to projects that require no structures, submerged structures or intertidal structures over projects that involve substantial floating structures.
    b. Give preference to projects that require few land-based facilities over those which require extensive facilities.

c. Give preference to projects that involve little or no substrate modification over those which involve significant modification.

11. Limit the densities of net-pen and raft culture operations, as necessary, to minimize countywide cumulative environmental impacts.

6.030 Boating and Marina Facilities.

A. Goal. *To minimize the impacts of new boating facilities upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Design, locate and operate boating facilities to provide the maximum feasible protection and enhancement of all forms of aquatic, inter-tidal or terrestrial life, including animals, fish, shellfish, birds and plants, and their habitats and migratory routes.

2. To the extent feasible, locate marinas in areas of low biologic productivity.

3. Locate and design boating facilities to minimize adverse effects upon and, if feasible, to enhance beneficial shoreline features and processes including: erosion; littoral transport and accretion shoreforms; and scarce and valuable shore features including riparian habitat and wetlands.

4. Prohibit marinas in areas identified as hazardous due to storm tides, high winds or flooding.

5. Prohibit marinas in embayments with poor flushing action.

6. Consider regional as well as local needs when determining the location of marinas and boat launch ramps, identifying potential ideal sites near high-use or potentially high-use areas.

7. Maximize the use of limited shoreline resources by encouraging the following:

   a. Expansion of existing marinas over the addition of new marina sites;

   b. Marinas and boat launch ramps over the development of individual docking facilities for numerous private, non-commercial pleasure craft; and

   c. Use of boat launching ramps and dry storage of recreational boats as a favorable alternative to sheltered, year-round wet-moorage of watercraft.

8. Design and locate boating facilities so their structures and operations will be aesthetically compatible with the surrounding area.

9. Design new marina facilities to accommodate public access and enjoyment of the shoreline including provisions for walkways, view points, rest room facilities and other recreational uses commensurate with the scale of the facility.

10. Where feasible, require that foreshore marinas employ open-type construction (i.e., floating breakwater and/or open pile work) to prevent degradation to fish and/or shellfish resources and habitat.

11. Require the installation and maintenance of boat sewage disposal (i.e., pump-out) facilities in convenient and accessible locations.
12. Prohibit floating homes and houseboats.
13. Allow live-aboards on vessels only in limited circumstances where the impacts of such uses to the environment can be substantially avoided.

6.040 Commercial Development.

A. Introduction. Commercial Development are uses and facilities that support wholesale or retail trade or business activities. Water dependent commercial uses are those commercial activities that require location on the shoreline by reason of the intrinsic nature of their business.

B. Goal. *To minimize the impacts of new commercial development upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Encourage commercial development in shoreline areas in descending order of preference as follows:
   a. Water-dependent uses;
   b. Water-related uses; and
   c. Water-enjoyment uses.
2. Prohibit non-water-oriented commercial development except for uses that are either accessory to a water-oriented use or part of a mixed-use development supporting water-oriented uses.
3. Prohibit over water commercial development, unless the use is water-dependent or water-related.
4. Prohibit commercial development in marshes, bogs and swamps.
5. Encourage new commercial development to use existing transportation corridors and minimize the number of access points.
6. Require new commercial developments to provide physical or visual access to the shoreline or other opportunities for the public to enjoy shorelines of the state. Public access provisions should be consistent with the Public Access sub-element of this Master Program.
7. Ensure that new commercial development does not significantly impact views from upland properties, public roadways, or other public areas, and from the water.

6.050 Docks, Piers and Floats.

A. Introduction. Docks are fixed structures floating upon water bodies, secured to piers or to the shoreline. Piers are fixed, pile-supported structures secured to the shoreline. Floats are floating structures that are moored, anchored, or otherwise secured in the water but are not connected to the shoreline. Boat houses are covered structures used for the storage or moorage of watercraft.

B. Goal. *To minimize the impacts of docks, piers and floats upon the natural functions and values of the shoreline environment.*

C. Policies.

1. Ensure that the type, design, and location of docks, piers, floats and boathouses is compatible with the area in which they are located. In assessing compatibility, give consideration to shoreline characteristics, shoreline resources and processes, wind and wave action, tidal action, aesthetics, and adjacent land and water uses.
2. Give preference to mooring buoys over docks, piers and floats in order to reduce the proliferation of structures on the shoreline. Encourage joint-use docks, piers, and floats over private, single-user docks, piers, and floats.
3. Discourage the siting of docks, piers, at locations where critical physical limitations exist, such as: gently-sloping bottoms; high wind, with fetch over one mile; wave or current exposure; high littoral drift; unstable and/or feeder bluffs; or very narrow bays. Encourage such facilities in favorable locations, which include, but are not limited to the following: Mystery Bay; Mats Mats; Port Ludlow; and Pleasant Harbor.
4. Require that docks, piers, floats, and boathouses be designed and maintained to avoid adverse impacts to the environment and to shoreline aesthetics, and to minimize interference with the public use of the water and private use of private property.
5. Require that docks, piers, boathouses, and floats be maintained to provide a reasonable level of safety to users.

6.060 Flood Hazard Management Projects.

A. Goal. *To minimize the impacts of new flood control works upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Require that all proposed flood control works be supported by a thorough analysis of the potential significant adverse impacts on the shoreline environment and an examination of alternative measures (e.g., property abandonment or acquisition measures) that could reduce or eliminate such impacts.
2. Where feasible, require that new flood control works be designed for multiple uses (e.g., visual and physical shoreline public access, public park and recreation areas, and public open space).
3. Give preference to non-structural over structural flood control devices (e.g., limiting or prohibiting development in historically flood prone areas; regulating the design of structures; limiting increases in peak stormwater runoff from new upland development; and acquiring additional land for flood storage).
4. Allow structural solutions to reduce shoreline damage only after the project proponent demonstrates that non-structural solutions are inadequate to reduce the damage.
5. Design, locate, construct and maintain flood hazard management works to provide:
    a. Protection of the physical integrity of the shore process corridor that may be damaged by interruptions of the geohydraulic system;
    b. Protection of water quality and natural ground water movement;

c. Protection of fish, vegetation and other life forms and habitat vital to the aquatic food chain; and

d. Protection of recreation resources and aesthetic values (e.g., point and channel bars, islands and other shore features and scenery).

6. Discourage significant stream channel modification, realignment and straightening as a means of flood protection.

7. Prohibit structural flood control works in areas where they will result in any one of the following:

a. Increased residential, commercial or industrial development in undeveloped one hundred (100) year floodplains;

b. Loss of significant flood storage capacity in undeveloped one hundred (100) year floodplains; or

c. Deflection or constriction of flood flows to an extent that will result in significantly increased flood heights on unprotected properties.

8. Discourage residential, commercial and industrial uses within undeveloped floodplain areas.

9. Encourage uses that are less likely to be damaged by flooding within undeveloped floodplain areas (e.g., forestry, agriculture, open space, overflow parking and recreational uses not requiring significant structures).

10. Protect wetlands in order to maintain their capacity to store flood waters and recharge groundwater.

11. Protect natural drainage ways, creeks, streams and rivers to maintain their capacity to convey stormwater and flood water.

6.070 Forest Practices.

A. Introduction. Forest practices are methods used for the protection, production, harvesting, and transporting of timber resources.

B. Goal. *To minimize the impacts of forest practices upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Require that timber-harvesting practices be conducted in a manner that maintains existing water quality and quantity, fish habitat, and which avoids impacts to upland wildlife habitat.

2. Prohibit logging on slopes of a grade or soil type that would likely cause serious sediment runoff, unless it can be demonstrated that adequate restoration and erosion control will be accomplished expeditiously.

3. Require that skid roads and fire trails be located and constructed to minimize disturbance to shoreline resources.

4. Require skid roads and fire trails to be maintained or decommissioned to prevent erosion and sedimentation of contiguous waterways.

5. Leave shorelines possessing outstanding scenic views in a substantially natural condition.

a. Limit timber harvest in such areas to selective cutting that protects scenic qualities.

b. Identify and inventory scenic view areas.

6. Require reforestation of shoreline areas to be completed as soon as feasible (i.e., not to exceed eighteen (18) months) following timber harvesting.

7. Ensure that replanting or reseeding of recently harvested areas is accomplished with species from the county approved plant list.

6.080 Industrial Development.

A. Goal. *Goal. To minimize the impacts of new industrial development upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Encourage the expansion or redevelopment of existing industrial areas, facilities and services over the addition and/or location of new industrial facilities.

2. Require private and public entities to jointly use piers, cargo handling, storage, parking and other accessory facilities in waterfront industrial areas.

3. Prohibit industrial development on sensitive and ecologically valuable shorelines (e.g., natural accretion shoreforms, marshes, bogs, swamps or estuaries and wildlife habitat areas) or on shores inherently hazardous for such development (e.g., flood-prone and erosion-prone areas and steep or unstable slopes).

4. Require project proponents for new industrial development to provide physical and/or visual access to shorelines whenever feasible and when doing so will not cause significant interference with operations or hazards to life and property.

5. Give preference to dry land log storage over water storage.

6. Encourage paved log storage yards over aggregate-surfaced yards to reduce waste disposal problems and control and treat resultant runoff.

6.090 In-stream Structures.

A. Goal. *To minimize the impacts of in-stream structures upon the functions and values of critical fish and wildlife habitat, wetlands, and other natural systems.*

B. Policies.

1. Ensure that in-stream structures and associated facilities provide for the protection and preservation of natural and cultural resources including, but not limited to the following:

   a. Fish and wildlife habitat;

   b. Water resources;

   c. Wetlands (e.g., marshes, bogs and swamps);

   d. Sensitive geologic and geohydraulic (e.g., waterfalls, erosion and accretion shoreforms); and

   e. Natural scenic vistas.

2. When reviewing proposals for in-stream structures, mitigate adverse impacts to the shoreline areas by carefully considering the design, location, security and construction of access roads, impoundment structures and reservoirs, penstocks and power-houses.

3. Require that all in-stream diversion structures be designed to permit natural transport of bed load materials.
4. When reviewing and conditioning proposals for in-stream structures, require mitigation that prevents a net loss in function or acreage of critical fish and wildlife habitat, wetlands, and other natural systems.
5. Ensure that mitigation measures are properly planned and monitored to ensure their effectiveness.
6. Require that in-stream structures be designed and located to avoid interfering with public navigation of watercourses, including commercial and recreational navigation (e.g., barging, rafting, kayaking, and canoeing).
7. Require in-stream structures be designed and constructed to insure public access to and along the shoreline, consistent with the public access policies and regulations contained in the Master Program.

6.100 Mining.

A. Introduction. Mining is the removal of naturally occurring rock, sand, gravel, and minerals from the earth.

B. Goal. *To minimize the impacts of mining activities upon the natural functions and values of the shoreline environment.*

C. Policies.

1. Prohibit mining in unique or fragile areas or on marine beaches.
2. Require all feasible measures to protect water bodies and anadromous fisheries resources from sources of pollution related to mining including, but not limited to:
    a. Sedimentation and siltation;
    b. Chemical and petrochemical use and spillage; and
    c. Storage or disposal of mining wastes and spoils.
3. Ensure that all mining activities and operations cause the least amount of disruption to the functions of natural shoreline systems.
4. Require that mining sites be returned to as near a natural state as feasible upon completion.
5. Condition mining activities to minimize adverse visual and noise impacts upon surrounding shoreline areas.
6. Encourage project proponents to locate new mining activities outside the shoreline jurisdiction.

6.110 Mooring Buoys.

A. Introduction. Mooring buoys are anchored devices in water bodies used for the mooring of water craft.

B. Goal. *To minimize the impacts of mooring buoys upon the natural functions and values of the shoreline environment.*

C. Policies.

1. Prohibit mooring buoys in areas where they will significantly interfere with navigation.

2. In situations where existing dock facilities are inadequate, give preference to mooring buoys over the construction of individual docks.
3. In situations where existing dock facilities are sufficient, discourage the placement of mooring buoys.
4. Encourage the installation of mooring buoys by public agencies for public use.
5. Ensure that mooring buoys and the swing path of attached vessels do not encroach on privately owned tidelands or the swing path of a permitted or legally established non-conforming moored boat and buoy.
6. Prohibit mooring buoys at locations where their use will cause the degradation of sensitive ecological areas (e.g., estuaries, wetlands, or aquacultural resources or facilities).
7. Give preference to mooring buoys for the use of in-shore adjacent property owners over the construction of private docks.
8. Ensure that provisions for pump-out facilities are available in the immediate vicinity where boats are occupied for longer than three (3) days.

6.120 Parking.

A. Goal. *To encourage the provision of appropriately scaled parking facilities that protect the aesthetic and ecological characteristics of the shoreline environment.*

B. Policies.

1. Restrict parking in shoreline areas to that which directly serves a permitted shoreline use.
2. Locate and design parking facilities to minimize adverse environmental impacts, including, but not limited to:
    a. Stormwater runoff;
    b. Water quality;
    c. Visual qualities;
    d. Public access; and
    e. Vegetation and habitat maintenance.
3. Require that parking areas be planned to achieve optimum use. Where feasible, require that parking areas serve more than one use (e.g., recreational use on weekends, commercial use on weekdays).

6.130 Pedestrian Beach Access Structures.

A. Goal. *To minimize the impacts of pedestrian beach access structures upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Allow beach access structures only as accessories to an existing single-family residence, as access to a common shoreline area in a subdivision or multi-family development, or for a public or private recreational facility.
2. Encourage the use of existing paths or trails over either beach access stairs or ramps.
3. Encourage the connection of beach access stairs or ramps to existing docks, as opposed to separate structures for beach access and vessel moorage.

4. Require a geotechnical report and engineering for any beach access stairs or ramps located on shorelines known to be eroding or unstable bluffs, eroding beaches, or exposed cliffs.
5. To the extent feasible, require that beach access facilities be designed and located to blend in with the natural surroundings.
6. Establish size, dimensional and design standards for all beach access structures in order to minimize visual and environmental impacts.
7. Use size, dimensional and design standards as benchmarks for determining when a beach access facility would qualify as "exempt" development.
8. Prohibit beach access structures below the ordinary high water mark.
9. Ensure that beach access structures do not impede public access to public tidelands.

6.140 Recreational Development.

A. Goal. *To minimize the impacts of new recreational development upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Require that recreational developments be designed, located and operated to be compatible with, and minimize adverse impacts upon, environmental quality, and valuable natural features of nearby land and water uses.
2. Encourage a variety of recreational activities that are compatible with each other and that satisfy diverse recreational needs.
3. Encourage the linkage of shoreline parks, recreation areas and public access points with linear systems (e.g., hiking paths, bicycle paths, easements and/or scenic drives).
4. Prohibit intensive recreational uses within floodplain areas.
5. Encourage artificial marine life habitats in areas of low habitat diversity in order to provide increased aquatic life for recreation.
6. Encourage the use of shoreline street ends and publicly owned lands or public access and development of recreational opportunities.
7. Prohibit the use of motorized off-road vehicles in shoreline areas.
8. Allow the use of jet skis and similar recreational equipment only in areas where no use conflicts or critical fish or wildlife habitat exist.

6.150 Residential Development.

A. Introduction. Residential development can be or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a dwelling for human beings (e.g., detached single-family residences, multifamily residences, mobile home parks or short and long subdivisions).

B. Goal. *To encourage residential development activities which minimize the impacts upon the natural functions and values of the shoreline environment.*

C. Policies.

1. Require that residential development be designed to preserve existing shoreline vegetation, control erosion and protect water quality, shoreline aesthetic characteristics, views and normal public use of the shoreline and the water.

2. As a condition of project approval, require dedicated and improved public access to the shoreline in a manner appropriate to the site and the nature and size of the development.

3. Prohibit new residential development and accessory uses in the following areas:

   a. Over water;

   b. Marshes, bogs or swamps; and

   c. Floodways.

4. Encourage the clustering of dwelling units in new residential developments in order to preserve natural features, minimize physical impacts and reduce utility and road construction and maintenance costs.

5. Ensure that new residential development does not result in the displacement of other nearby existing shoreline uses (e.g., forestry, agriculture, aquaculture, or recreation).

6. Give preference to joint-use community piers, docks and stair towers (i.e., in lieu of individual facilities for each waterfront lot) in all new subdivisions and planned residential developments.

7. Require that residential structures and appurtenances be designed and located to blend into the site to the maximum extent feasible.

6.160 Transportation Facilities (Primary).

A. Goal. *To minimize the impacts of new transportation facilities upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Where feasible, require that major new roads and railroads be located outside of the shoreline jurisdiction.

2. Require that road and railroad locations be planned to fit the topographical characteristics of the shoreline in order to minimize alterations to natural shoreline conditions.

3. Require that new transportation facilities be designed and located to minimize the need for the following:

   a. Shoreline protection measures;

   b. Modifications to natural drainage systems; and

   c. Waterway crossings.

4. Encourage trails and bicycle paths along shorelines where they are compatible with the natural character, resources and ecology of the shoreline.

5. Preserve and reuse abandoned transportation corridors for water-dependent use or public access to the shoreline.

6. Encourage joint-use transportation corridors within the shoreline jurisdiction for roads, utilities, and motorized forms of transportation.

6.170 Utilities (Primary).

A. Goal. *To minimize the impacts of new primary utility facilities upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Wherever feasible, require utilities to use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.
2. Unless no feasible alternative location exists, prohibit utilities in marshes, bogs, swamps, estuaries, critical fish and wildlife habitat areas, and other unique and fragile areas.
3. Require that new utility installations be located to eliminate the need for extensive shoreline protection measures.
4. Ensure that utility facilities and corridors are located to protect scenic views.
5. Whenever feasible, require utilities to be placed underground or alongside or under bridges.

CHAPTER 7.
SHORELINE MODIFICATION ACTIVITY: GOALS & POLICIES

SECTIONS:

7.020 Shoreline Modification Activities – Generally.

A. Introduction.

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area. These actions encompass structural and non-structural methods including, but not limited to rip rap, bulkheads, jetties, groins, beach nourishment, and bioengineering/vegetative management methods. The goals and policies contained in this Chapter should be used in the review of all shoreline modification activities, whether such proposals address a single property or multiple properties. Shoreline modification activities are usually undertaken in support of a shoreline use. Flood hazard management activities should also be reviewed under the relevant policies contained in Chapter 6 of this Master Program.

B. Goal. *To reduce or eliminate the need for shoreline modification activities and their impacts upon the natural functions and values of the shoreline environment.*

7.020 Breakwaters, Jetties, Weirs and Groins.

A. Introduction.

1. Breakwaters are protective structures usually built off shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. They may be fixed (e.g., rubble mound or rigid wall), open pile or floating.

2. Jetties are structures generally built singly or in pairs perpendicular to the shore at harbor entrances or river mouths to prevent the shoaling or accretion of littoral sand drift. They also protect channels and inlets from storm waves and crosscurrents.

3. Rock weirs and groins are structures built seaward perpendicular to the shore for building or preserving an accretion beach by trapping littoral sand drift. Groins are generally narrow and of varying lengths and may be built in a series along the shore.

B. Goal. *To reduce the impacts from breakwaters, jetties, rock weirs and groins upon the natural functions and values of the shoreline environment.*

C. Policies.

1. Encourage open-pile or floating breakwaters that are anchored in place.

2. Allow rigid breakwaters only in situations where adverse impacts upon water circulation, sand movement, fish migration and sub-tidal habitat can be avoided.

3. When safely compatible with the proposed structure, require breakwaters, jetties and groins to be designed to provide public access or multiple use opportunities that increase public access and enjoyment of the shoreline.

4. Discourage the use of jetties, except in instances where the project proponent demonstrates that adverse impacts to long shore processes can be avoided (i.e., erosion and accretion).

5. Discourage the use of rock weirs and groins unless designed as part of an overall system to minimize the need for shoreline modification activities on down-drift beaches and banks.

6. Allow rocks weirs and groins only when necessary to prevent damage to existing development.

7. Ensure that development is located, designed and constructed to significantly reduce or eliminate the future need for weirs, breakwaters, jetties, and groins.

7.030 Bulkheads, Seawalls and Revetments.

A. Goal. *To reduce or eliminate the need for and impacts from bulkheads, seawalls and revetments upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Require a professional geotechnical analysis prior to the construction of shoreline protective structures in order to verify the need for the structure and to avoid adverse impacts to natural shoreline functions (e.g., water movement, littoral drift systems, and shoreline erosion).

2. Ensure that all new shoreline development, uses, activities and modifications are located in a manner that significantly reduces, or eliminates, the need for future shore defense and/or flood protection works.

3. Require that shore defense works be located, designed and constructed in a manner that significantly reduces or eliminates adverse impacts to fish and wildlife habitats.

4. Ensure that bulkheads are designed and located to minimize their impact on public access and scenic shoreline qualities.

5. Prevent the removal of natural features that provide shoreline protection and support fish, aquatic and wildlife habitats (e.g., riparian vegetation, logs, snags and stumps).

6. Consider cumulative impacts of similar defense works along a relevant shoreline segment or drift cell when reviewing individual permits, including exemptions, for shore defense installations.

7. Allow structural solutions to reduce shoreline damage only after it has been demonstrated that non-structural solutions are insufficient to prevent further damage.

8. Prohibit shoreline protection devices intended to create new land.

9. Allow the construction of bulkheads only when necessary to prevent damage to existing development.
10. Require that bulkheads be located, designed and constructed to minimize adverse impacts to natural functions.
11. Ensure that development is located, designed and constructed to reduce or eliminate the future need for bulkheads and similar shore defense works.
12. Prohibit the placement of bulkheads and other shore defense structures at the base of feeder bluffs, except for situations in which a permitted structure is in imminent danger of loss due to slope erosion.
13. Discourage the siting of bulkheads in locations where they interfere with public access to publicly owned shorelines.
14. Prohibit structural shore defense works (e.g., bulkheads, seawalls, and rip rap) except for instances in which the project proponent demonstrates that non-structural solutions (e.g., bioengineering, setbacks, etc.) fail to provide adequate protection.
15. Discourage bulkheads, seawalls, and revetments waterward of the ordinary high water mark (OHWM). Encourage construction practices that place bulkhead structures no farther waterward of the ordinary high water mark than is necessary to achieve erosion control. That is, the most landward portion of a bulkhead footing should be at the toe of the bank or the vegetation line where the toe of the bank is not discernible.
16. Encourage the use of sloping, rather than vertical, revetments or bulkheads in order to reduce the beach scouring effects of such installations.
17. Require re-planting of riparian vegetation along the shoreline, where removal of such vegetation is necessary for construction of a bulkhead.

7.040 Bioengineering and Beach Restoration and Enhancement.

A. Goal. *To reduce or eliminate impacts from bioengineering and beach restoration and enhancement upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Require that all bioengineering and beach restoration and enhancement projects conform to best management practices (BMPs) for establishing and restoring vegetation in shoreline and riparian areas (e.g., BMPs adopted by the USDA Soil Conservation Service, Department of Ecology, etc.).
2. Ensure that bioengineering and beach restoration and enhancement projects do not degrade aquatic habitats, water quality or flood holding capacity.
3. Where feasible, require the use of self-maintaining bioengineering and beach restoration and enhancement designs, rather than designs dependent on regular maintenance.
4. Ensure that bioengineering and beach restoration and enhancement activities do not extend waterward more than necessary to achieve intended results.

7.050 Filling, Dredging and Dredge Material Disposal.

A. Goal. *To reduce or eliminate the need for and impacts from dredging and filling activities upon the natural functions and values of the shoreline environment.*

B. Policies.

1. Prohibit filling in areas waterward of the ordinary high water mark (OHWM), except for water-dependent and/or public access uses that are otherwise consistent with the Master Program.
2. When permitted, ensure that filling activities are restricted to the minimum amount necessary to provide for the proposed use and linked to a specific development proposal permitted under the Master Program.
3. Control dredging in order to minimize damage to natural resources and systems of both the area to be dredged and the area to receive the dredge materials.
4. Assure that dredging operations are planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses and upland properties.
5. Prohibit dredging of bottom materials for the sole purpose of obtaining fills material.
6. Prohibit the deposition of dredge spoils in water areas except for habitat improvement or to redistribute materials adversely affecting fish and shellfish resources.
7. Coordinate the location of open-water dredge disposal sites in cooperation with appropriate federal and state agencies (e.g., the Army Corps of Engineers, Department of Natural Resources, Department of Ecology, etc.).
8. Coordinate the location of upland dredge disposal sites in cooperation with appropriate federal and local agencies (e.g. the Jefferson County Environmental Health Department).

CHAPTER 8.
GENERAL SHORELINE REGULATIONS

SECTIONS:

8.010 General Provisions.

A. Shoreline modifications prohibited – Exceptions. Shoreline modification activities shall be prohibited, EXCEPT when in support of an allowable shoreline use that otherwise conforms to the provisions of this Master Program.

B. Policies to be used as a guide. The policies contained within this Master Program shall provide guidance and direction to the Shoreline Administrator in interpreting and applying the regulations contained within this Master Program.

C. Conflicts. When any provision of the Jefferson County Unified Development Code conflicts with the provisions contained within this Master Program, the provision that provides more protection to the shoreline area shall apply.

D. Liberal construction. The provisions of this Master Program shall be held to be minimum requirements in their interpretation and application, and shall be liberally construed to serve the purposes of this Master Program and Chapter 90.58 RCW.

8.020 Permitted, Conditional and Prohibited Uses and Modification Activities Table.

A. Use table established. Table 8.020, identifies shoreline uses and activities that are permitted subject to the provisions of this Master Program (P), subject to a shoreline Conditional Use Permit (C), prohibited (X), or not applicable (N/A). Pursuant to §11.020, infra, uses identified as permitted require issuance of either a written Permit Exemption or a Substantial Development Permit. Similarly, uses that are exempt from the requirement to obtain a Substantial Development Permit under §1.060, supra, may, in addition to the written Permit Exemption required under §11.020, infra, require a Conditional Use Permit under §11.090, infra.

B. Prohibited uses ineligible for variances or conditional uses. Shoreline uses and activities listed as "prohibited" within Table 8.020 shall not be eligible for consideration as a Shoreline Variance or Shoreline Conditional Use Permit.

C. Additional regulations. Regulations for the specific shoreline uses and activities identified in Table 8.020 are contained in Chapters 9 and 10 of this Master Program. The regulations contained in Chapters 9 and 10 are in addition to the regulations contained within this Chapter, which shall apply to all shoreline development.

8.030 Use-Related Development Standards Table.

A. Standards are minimum requirements. Table 8.030, establishes use-related development standards for shoreline uses and activities that are permitted or conditionally permitted under Table 8.020. The standards contained in Table 8.030 shall be determined to be minimum requirements unless stated as maximum by this Master Program.

B. Setback measurements. Setbacks shall be measured perpendicularly from the appropriate lot line or the ordinary high water mark (OHWM) to the wall of the structure(s); PROVIDED that where a structure without a wall faces the appropriate lot line, the setback shall be measured to the post(s) or, if the structure has not posts, a point that is two (2) feet under the roof overhang measured from the drip line of the roof. Where a lot, as defined in this Master Program, consists of more than one (1) lot of record or platted lot, the term "appropriate lot line" shall mean the lot lines that form the boundaries of the entire contiguous ownership or as much of the ownership as is necessary to comply with the requirements of this Master Program. Nothing in this subsection shall be construed to allow the illegal division of land.

TABLE 8.020
Shoreline Designations – Permitted, Conditional & Prohibited Uses & Modification Activities

Key to Table:
P = Permitted subject to permit conditions and regulatory requirements of SMP
P/OW = Allowed in or over water if allowed in adjacent shoreland designation, otherwise prohibited
C = May be permitted under a Conditional Use Permit
C/OW = May be permitted in or over water under a Conditional Use Permit if allowed in adjacent shoreland designation, otherwise prohibited
X = Prohibited
N/A = Not applicable
1 = Though otherwise prohibited, rehabilitation and normal repair and maintenance of existing piers and docks may be permitted under a Conditional Use Permit
2 = Golf courses require a Conditional Use Permit in all designations where water enjoyment uses are permitted
3 = Though otherwise prohibited, non-water-oriented uses may be permitted under a Conditional Use Permit as part of a mixed use development supporting water-oriented uses
4 = Permitted under a Conditional Use Permit only when no alternative location exists
5 = Non-intensive recreational or educational uses only
6 = Though otherwise prohibited, multi-family uses may be permitted under a Conditional Use Permit as part of a mixed use development supporting water-oriented uses
7 = Though otherwise permitted, aquacultural development may be prohibited if found to materially interfere with navigational access to waterfront property and public recreation areas
8 = Navigation aids and public information only
9 = Though otherwise prohibited, new structural shoreline stabilization may be permitted under a Conditional Use Permit where there is a demonstrated need to protect an existing structure or use
10 = Though otherwise prohibited, dredging may be permitted under a Conditional Use Permit to restore an ecologically degraded area
11 = Includes dredge material disposal in deep water as a Conditional Use Permit, otherwise see "filling"

SHORELINE USES	SHORELINE DESIGNATIONS						
	Aquatic (A)	Natural (N)	Public Conservancy (PC)	Rural Conservancy (RC)	Rural Intensive (RI)	Urban Residential (UR)	Urban High Intensity (UHI)
Boating and Marina Facilities:							
Boating Facilities for 6 or fewer craft	P/OW	X	C	P	P	P	P
Docks, Piers and Recreational Floats	P/OW	X(1)	C	C	P	P	P
Marinas (i.e., Boating Facilities for more than 6 craft)	C/OW	X	X	X	C	C	P
Commercial:							
Water-Dependent	P/OW	X	X	X	P	P	P
Water-Related	P/OW	X	X	X	P	C	P
Water-Enjoyment	X	X	X	X	C(2)	C(2)	C(2)
Non-Water-Oriented	X	X	X	X	X(3)	X(3)	X(3)
Industrial:							
Water-Dependent	P/OW	X	X	X	P	X	P
Water-Related	P/OW	X	X	X	P	X	P
Non-Water-Oriented	X	X	X	X	X	X	X

SHORELINE USES	SHORELINE DESIGNATIONS						
	Aquatic (A)	Natural (N)	Public Conservancy (PC)	Rural Conservancy (RC)	Rural Intensive (RI)	Urban Residential (UR)	Urban High Intensity (UHI)
Miscellaneous:							
Flood Hazard Management	C/OW	C	C	C	C	C	C
Pedestrian Beach Access Structures	X	X	P	P	P	P	P
Solid Waste Disposal	X	X	X	X	X	X	X
Utilities (Primary)	C/OW(4)	X	X	C(4)	C	C	C
Parking:							
Accessory Parking	X	X	C	P	P	P	P
Primary Parking (including paid)	X	X	X	X	X	X	X
Recreational:							
Water-Dependent	P/OW	C(4)	P	P	P	P	P
Water-Related	C/OW(5)	C(5)	C	P	P	P	P
Water-Enjoyment	C/OW(5)	C(5)	C	P(2)	P(2)	P(2)	P(2)
Non-Water-Oriented	X	X	X	X	X	C	C
Research and Education:							
Water-Dependent	P/OW	X	X	P	P	P	P
Water-Related	P/OW	X	X	P	P	P	P
Non-Water-Oriented	X	X	X	X	X	X	X
Residential:							
Single-Family Residential	X	X	X	P	P	P	X
Multi-Family Residential	X	X	X	X	X(6)	P	X(6)
Land Division	C	C	C	P	P	P	X
Resource-Related:							
Agriculture	N/A	X	X	P	C	C	X
Aquaculture (passive/enhancement)	P	C	P	P	P	P	P
Aquaculture (extensive/upland)	N/A	X	X	P	P	C	P
Aquaculture (extensive/intertidal)	P/OW	X	C	P (7)	P (7)	P (7)	P (7)
Aquaculture (extensive/subtidal)	P (7)	N/A	N/A	N/A	N/A	N/A	N/A
Aquaculture (intensive/upland)	N/A	X	X	P	P	X	P
Aquaculture (intensive/subtidal)	P	N/A	N/A	N/A	N/A	N/A	N/A
Forest Practices	X	X	X	P	C	C	X
Mining	X	X	X	P	C	C	X

SHORELINE USES	SHORELINE DESIGNATIONS						
	Aquatic (A)	Natural (N)	Public Conservancy (PC)	Rural Conservancy (RC)	Rural Intensive (RI)	Urban Residential (UR)	Urban High Intensity (UHI)
Signs:							
On Premises	C/OW	X	P	P	P	P	P
Off Premises	X	X	X	X	X	X	X
Public, Highway	P(8)	P(8)	P(8)	P	P	P	P
Shoreline Modification Activities:							
Beach Restoration/Enhancement	C	C	P	P	P	P	P
Bioengineering	C	C	P	P	P	P	P
Breakwaters, Jetties, Rock Weirs and Groins	C/OW	X(9)	X(9)	X(9)	C	C	C
Bulkheads and Revetments	C/OW	X(9)	X(9)	X(9)	C	C	C
Dikes and Levees	X	X(9)	X(9)	X(9)	C	C	C
Dredging	C/OW	X(10)	X	X	C(11)	C(11)	C(11)
Filling	C/OW	X	X	X	C	C	C
Hazardous Waste Cleanup	C	C	P	P	P	P	P
Transportation:							
Water-Dependent	P	C	P	P	P	P	P
Water-Related	X	X	C	P	P	P	P
Water-Enjoyment	X	X	X	C	C	C	C
Non-Water-Oriented	X	X	X	X	X	X	X
Roads and Railroads	C/OW	X	C	P	P	P	P

TABLE 8.030
Shoreline Use-Related Development Standards

Key to Table:
N/A = Not applicable (i.e., most often indicating that the use is prohibited under the Shoreline Use Table, 8.010)
1= Applies to distribution lines only
2 = Except for buried lines and approved water crossings
3 = This is a minimum setback; under §9.090(C) a greater setback may be required based upon site specific conditions

SHORELINE USES: DEVELOPMENT STANDARDS	SHORELINE DESIGNATIONS						
	Aquatic (A)	Natural (N)	Public Conservancy (PC)	Rural Conservancy (RC)	Rural Intensive (RI)	Urban Residential (UR)	Urban High Intensity (UHI)
Boating and Marina Facilities:							
Setbacks:							
1. Water-Dependent Setback	0’	0’	0’	0’	0’	0’	0’
2. Building Setback (except parking)	N/A	N/A	35’	35’	25’	25’	25’
Building Height Limits:							
1. 0’-100’ from OHWM	N/A	N/A	15’	15’	25’	25’	35’
2. 101’-200’ from OHWM	N/A	N/A	25’	25’	35’	35’	45’
3. Over-Water Structures	15’	N/A	N/A	N/A	N/A	N/A	N/A
Commercial:							
Building Setbacks:							
1. Water-Dependent Setback	0’	N/A	N/A	N/A	0’	0’	0’
2. Water-Related Setback	0’	N/A	N/A	N/A	25’	25’	25’
3. Water-Enjoyment Setback	0’	N/A	N/A	N/A	25’	25’	25’
4. Non-Water-Oriented Setback	N/A	N/A	N/A	N/A	50’	50’	50’
Building Height Limit	15’	N/A	N/A	N/A	25’	35’	50’
Industrial:							
Building Setbacks:							
1. Water-Dependent Setback	0’	N/A	N/A	N/A	0’	N/A	0’
2. Water-Related Setback	0’	N/A	N/A	N/A	50’	N/A	25’
3. Non-Water-Oriented Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Building Height Limits:							
1. Water-Dependent Height Limit	25’	N/A	N/A	N/A	35’	N/A	50’
2. Water-Related Height Limit	25’	N/A	N/A	N/A	35’	N/A	50’
3. Non-Water-Oriented Height Limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A

SHORELINE USES: DEVELOPMENT STANDARDS	SHORELINE DESIGNATIONS						
	Aquatic (A)	Natural (N)	Public Conservancy (PC)	Rural Conservancy (RC)	Rural Intensive (RI)	Urban Residential (UR)	Urban High Intensity (UHI)
Miscellaneous:							
Signs:							
Maximum Sign Height	6’	6’	6’	6’	6’	6’	6’
Maximum Sign Surface Area	32’	32’	32’	32’	32’	32’	32’
Utilities (Primary):							
Building & Distribution Line Setback	0’ (1)	N/A	N/A	100’	50’	50’	50’
Height Limits:							
1. Buildings, Storage Tanks, Accessory Uses Height Limit	N/A	N/A	N/A	20’	20’	20’	20’
2. Distribution Poles Height Limit	N/A	N/A	N/A	30’	30’	30’	30’
Parking:							
Accessory Parking Setback	N/A	N/A	100’	100’	50’	30’	30’
Primary Parking (including paid) Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Recreational:							
Setbacks:							
1. Non-Water-Oriented Setback (generally)	N/A	N/A	N/A	N/A	N/A	100’	100’
2. Campsites, Picnic Areas, & Related Facilities Setback	N/A	100’	75’	75’	50’	30’	30’
3. Public Water Access Campsites & Related Facilities Setback	N/A	35’	25’	25’	25’	25’	25’
4. Access Roads, Restrooms, & Accessory Structures Setback	N/A	100’	50’	75’	50’	30’	30’
5. Parking Areas Setback	N/A	N/A	75’	75’	50’	50’	50’
6. Golf Courses, Sports Fields, & Intensive Use Areas Setback	N/A	N/A	100’	100’	100’	100’	100’
Building Height Limit	N/A	15’	15’	15’	25’	25’	35’

SHORELINE USES: DEVELOPMENT STANDARDS	SHORELINE DESIGNATIONS						
	Aquatic (A)	Natural (N)	Public Conservancy (PC)	Rural Conservancy (RC)	Rural Intensive (RI)	Urban Residential (UR)	Urban High Intensity (UHI)
Research and Education:							
Setbacks:							
1. Water-Dependent Setback	0’	N/A	N/A	0’	0’	0’	0’
2. Water-Related Setback	0’	N/A	N/A	25’	25’	25’	25’
3. Non-Water-Oriented Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Building Height Limit	15’	N/A	N/A	25’	25’	35’	50’
Residential:							
Dwelling Unit Setback (applies to all types of dwelling units and appurtenant structures)	N/A	N/A	N/A	50’(3)	50’(3)	50’(3)	50’(3)
Building Height Limit	N/A	N/A	N/A	35’	35’	35’	50’
Resource-Related:							
Agriculture:							
Setbacks:							
1. Cultivation & Grazing Setback	N/A	N/A	N/A	50’	50’	50’	N/A
2. Buildings Setback:	N/A	N/A	N/A	100’	50’	50’	N/A
3. Manure Lagoons Setback	N/A	N/A	N/A	100’	100’	100’	N/A
4. Feedlots Setback	N/A	N/A	N/A	200’	200’	200’	N/A
Building Height Limit	N/A	N/A	N/A	35’	35’	35’	N/A
Aquaculture:							
Structural/Building Setbacks:							
1. Water-Dependent Setback	0’	N/A	0’	0’	0’	0’	0’
2. Water-Related Setback	0’	N/A	N/A	25’	25’	25’	25’
3. Non-Water-Oriented Setback	N/A	N/A	N/A	100’	100’	100’	100’
Structural/Building Height Limits:							
1. Upland Height Limit	N/A	N/A	N/A	25’	25’	25’	25’
2. Over-Water Height Limit	9’	N/A	N/A	N/A	N/A	N/A	N/A
Forest Practices:							
Setback	N/A	N/A	N/A	100’	50’	50’	N/A
Mining & Related Structures:							
Setback	N/A	N/A	N/A	100’	100’	100’	N/A

SHORELINE USES: DEVELOPMENT STANDARDS	SHORELINE DESIGNATIONS						
	Aquatic (A)	Natural (N)	Public Conservancy (PC)	Rural Conservancy (RC)	Rural Intensive (RI)	Urban Residential (UR)	Urban High Intensity (UHI)
Transportation:							
Setbacks:							
1. Non-Arterial, Secondary & Access Roads	N/A	N/A	100' (2)	100' (2)	75' (2)	75' (2)	50' (2)
2. Arterials, Highways & Railroads	N/A	N/A	200' (2)	200' (2)	150' (2)	100' (2)	100' (2)
3. Public Non-Motorized Facilities (e.g., bike and pedestrian paths)	N/A	25' (2)	15' (2)	15' (2)	15' (2)	15' (2)	15' (2)
4. Non-Water-Oriented	N/A	N/A	N/A	N/A	N/A	N/A	N/A

8.040 Historic, Cultural, Scientific, and Educational Resources.

A. Specific applicability. The regulations contained in this section apply to all uses and activities occurring on sites containing archaeological and historic resources that are either recorded by the Washington State Office of Archaeology and Historic Preservation or inadvertently uncovered during development.

B. "Stop work" conditions in permits. All shoreline permits shall contain provisions that require project proponents to immediately stop work and notify the county if any phenomena of possible archaeological interest are uncovered during excavations. In such cases, the project proponent shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged.

C. Archaeological inspection and evaluation requirements. Permits issued for development in areas known to contain archaeological artifacts and data shall include a requirement that the project proponent provide for a site inspection and evaluation by an archaeologist. The permit shall require approval by the county before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before works begins or resumes on a project.

D. Significant resources to be preserved – Suspension of development. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the county determines that a site has a significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued that would pose a threat to the site. The county may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

E. Emergencies. In the event that unforeseen factors constituting an emergency as defined in §90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The county shall notify the State Department of Ecology, the State Attorney General's Office and the State Office of Archaeology and Historic Preservation of such a waiver in a timely manner.

F. Other applicable laws. Archaeological sites located both in and outside the shoreline jurisdiction are subject to the Indian Graves and Records Act, Chapter 27.44 RCW, and the Archeological Sites and Resources Act, Chapter 27.53 RCW, and the Archaeological Excavation and Permit provisions contained in Chapter 25-48 WAC.

F. Excavations. Archaeological excavations may be permitted subject to the provisions of this Master Program.

H. Planning considerations. Identified historical or archaeological resources shall be considered in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.

I. Interpretive signs and displays. Interpretative signs and displays for historical and archaeological features and natural areas shall be provided where appropriate.

8.050 Clearing and Grading.

A. Specific applicability. The regulations contained in this section apply to clearing and grading activities associated with developing property for a particular shoreline use.

B. Clearing limited to the minimum necessary. All clearing and grading activities shall be limited to the minimum necessary for the intended development, including residential development and appurtenances.

C. Clearing allowed only when associated with permitted development. Clearing and grading activities may be permitted landward of required setback areas only when associated with a permitted shoreline development, PROVIDED that upon completion of construction, remaining cleared areas shall be replanted with species contained on the county approved plant list. Replanted areas shall be maintained to ensure the reestablishment of vegetation.

D. Non-destructive pruning and trimming allowed. Normal nondestructive pruning and trimming of vegetation for maintenance purposes shall not be subject to the regulations contained in this section. Additionally, clearing by hand-held equipment of invasive non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly reestablished in the disturbed area.

E. Landfill distinguished. Any significant placement of materials from off-site (other than surcharge or pre-load) or substantial creation or raising of dry upland shall be considered fill and shall comply with the provisions of this Master Program relating to filling activities in addition to the provisions of this section.

F. Additional requirements. In addition to the requirements contained in this section, development activities shall also comply with the applicable Clearing and Grading provisions of the Jefferson County Unified Development Code.

8.060 Critical Areas.

A. Specific applicability. The regulations contained in this section shall apply only to development within the shoreline jurisdiction occurring waterward of the ordinary high water mark (OHWM). Development occurring landward of the OHWM shall comply with the applicable Critical Area provisions of the Jefferson County Unified Development Code.

B. Use of Best Available Science. In addressing issues related to critical areas, recommendations and requirements shall be based on the best available science and shall consider the ecological functions of areas waterward of the ordinary high water mark that require protection.

C. Critical saltwater habitat regulations.

1. Critical saltwater habitats include the following aquatic areas within the shoreline jurisdiction:
    a. Kelp beds, eelgrass beds, spawning areas for forage fish;
    b. Commercial and recreational shellfish beds, mudflats, and intertidal habitats with vascular plants;
    c. Estuaries and salt water bodies used as migration corridors;
    d. Shallow areas of saltwater bodies used for rearing and feeding and refuge of salmonids from predators and ambient conditions; and

e. Areas with which priority species have a primary association.

2. All in-water development shall require an inventory of the affected marine area to assess the presence of critical saltwater habitats and functions, EXCEPT in instances where an inventory of critical saltwater habitat has been previously approved by the county. The inventory shall be submitted with the shoreline application (i.e., application for either a written Permit Exemption or Substantial Development Permit).

3. Over water and in-water structures (e.g., docks, piers, floats, breakwaters, marinas) shall not intrude into critical saltwater habitats, EXCEPT for situations where the project proponent demonstrates all of the following:

a. An alternative alignment or location is infeasible;

b. To the extent feasible, the project is designed to minimize impacts on critical saltwater habitats;

c. All adverse impacts have been mitigated and the project proponent has demonstrated that there will be no loss of ecological functions provided by the habitat upon completion of the project; and

d. The structure or facility is in the public interest, as embodied in §90.58.020 RCW.

4. Bulkheads and shoreline modification and stabilization structures shall not be located in critical saltwater habitats.

5. When feasible, publicly owned recreational facilities shall be located to avoid salt-water habitats. When it is infeasible to avoid saltwater habitats, publicly owned recreational facilities shall be designed to mitigate all adverse impacts through application of the mitigation sequencing described in §173-26-020 WAC.

D. Critical freshwater habitat regulations.

1. Critical freshwater habitats include the following aquatic areas within the shoreline jurisdiction:

a. Gravel bottomed streams, creeks and rivers used for spawning;

b. Streams, creeks, rivers, side channels, ponds, lakes and wetlands used for rearing, feeding, cover, and refuge from predators and high waters; and

c. Streams, creeks, rivers, and estuaries used as migration corridors.

2. New shoreline modification activities that affect natural channel movement or natural floodplain function in areas with which priority species have a primary association shall be prohibited, EXCEPT for the following:

a. Protection and restoration actions that increase the ecosystem-wide process or ecological functions toward more properly functioning conditions;

b. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules;

c. Existing and ongoing agricultural practices, PROVIDED no new structures, flood control measures, or restrictions to channel movement occur and there is no clearing and grading within the channel migration zone;

d. The removal of control of aquatic noxious weeds, as defined in §17.26.020 RCW, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW;

e. Bridges, utility lines, and other public utility and transportation structures where no feasible alternative exists; where such structures are allowed, mitigation shall be required to maintain or restore impacted functions and processes in the affected section of the watershed;

f. Repair and maintenance of an existing legal use, PROVIDED that such actions do not adversely affect priority species;

g. Development on a previously altered site where it is demonstrated that the development restores ecological functions and processes of the applicable section of the watershed to a more natural condition;

h. Modifications or additions to an existing legal development, PROVIDED that channel migration is not further limited and that the new development mitigates any adverse impact; and

i. New development in urban growth areas properly designated under §36.70A.110 RCW and limited areas of more intensive rural development designated under §36.70A.070 RCW, where existing structures prevent active channel movement; PROVIDED that new development shall not adversely affect hydrological conditions and shall be designed to mitigate any adverse impacts.

8.070 Environmental Impacts.

A. Specific applicability. The regulations contained in this section apply to all uses and activities occurring within the shoreline jurisdiction.

B. Compliance with water quality regulations. All shoreline uses and activities shall be located, designed, constructed and managed to protect the quality and quantity of surface and ground water adjacent to the site, and shall conform to the policies, guidelines, standards and regulations established by applicable regulatory agencies.

C. Discharges of wastes and effluents prohibited. Solid and liquid wastes and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto land.

D. Oil, chemical and hazardous materials releases prohibited. The release of oil, chemicals or hazardous materials onto land or into the water is prohibited. Equipment for the transportation, storage, handing or application of such materials shall be maintained in safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been corrected.

E. Water quality BMPs required. All shoreline uses and activities shall be designed and constructed employing best management practices (BMPs) to control treatment and release of surface water runoff so that the receiving water quality and shore

properties and features are not adversely affected. Potential BMPs include, but are not necessarily limited to the following:

1. Dikes;
2. Catch basins or settling ponds;
3. Installation and required maintenance of oil/water separators;
4. Grassy swales;
5. Interceptor drains;
6. Fugitive dust controls; and
7. Planted landscape buffers.

F. Erosion control - Compliance with Stormwater Management Manual required. All shoreline uses and activities shall use effective erosion control methods during both project construction and operation. At a minimum, effective erosion control methods shall require compliance with the current edition of the Department of Ecology's Stormwater Management Manual and the Stormwater Management provisions of the Jefferson County Unified Development Code.

G. Minimizing interference with beneficial shoreline processes. All shoreline uses and activities shall be located, designed, constructed and managed to minimize interference with beneficial shoreline processes, which may include, but are not necessarily limited to the following:

1. Water circulation;
2. Sand and gravel movement; and
3. Erosion and accretion.

H. Pesticide use restricted. Pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by applicable regulatory agencies (e.g., U.S. Department of Agriculture, Washington State Department of Agriculture, U.S. Environmental Protection Agency, and the Washington State Department of Ecology).

8.080 Parking (Accessory).

A. Specific applicability. The regulations contained in this section apply only to parking that is accessory to a permitted shoreline use. Primary parking facilities shall be prohibited within the shoreline jurisdiction.

B. Over-water parking prohibited. Parking is prohibited on structures located over water.

C. Landscaping. Parking facilities shall be designed and located to minimize adverse impacts upon abutting properties. Landscaping shall consist of vegetation fro the county approved plant list planted prior to completion of the parking area. Landscape plantings shall be selected and planted which provide effective screening within three (3) years of project completion and through maturity of the species.

D. Location of parking facilities. Parking facilities serving individual buildings shall be located landward of the principal building being served, EXCEPT when the parking facility is located within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.

E. Pedestrian circulation. Parking facilities for shoreline uses shall be designed to provide safe and convenient pedestrian circulation within the parking area and to the shorelines.

F. Surface water runoff. Parking facilities shall be provided with facilities adequate to prevent surface water runoff from contaminating water bodies, using best available technologies. A parking facility maintenance program shall be required to assure the proper functioning of drainage facilities over time.

8.090 Public Access.

A. Specific applicability. The regulations contained in this section apply to all applications for shoreline substantial developments and conditional uses.

B. Public access required - Exceptions. Public access requirements shall be considered in the review and conditioning of all shoreline substantial developments and conditional uses. Public access shall be incorporated into all shoreline substantial development proposals (i.e., including short and long subdivisions), EXCEPT when the project proponent demonstrates that one or more of the following conditions exist:

1. Unavoidable public health or safety hazards exist that cannot be prevented by any feasible means;
2. The inherent security requirements of the use cannot feasibly be satisfied through the application of alternative design features or other solutions;
3. The cost of providing the access, easement or an alternative amenity is disproportionate to the total long-term cost of the proposed development;
4. The public access will cause unacceptable environmental harm that cannot be mitigated; and
5. Significant, undue, and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

C. Exceptions – Exhaustion of all reasonable alternatives a prerequisite. In order to be authorized as an exception under subsection B, supra, the project proponent must first demonstrate and the county must determine in its findings and conclusions that all feasible alternatives have been considered, including, but not necessarily limited to the following:

1. Regulating access through means such as maintaining a gate and/or limiting hours of use;
2. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and
3. Developing provisions for access at a site geographically separated from the proposal (e.g., a street end, vista, or trail system).

D. Avoiding interference with public shoreline access. Shoreline substantial developments and conditional uses shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's physical access to the water's edge.

E. Public rights-of-way preserved. Public access provided by shoreline public road ends, public road rights-of-way, public utilities and rights-of-way shall not be diminished, EXCEPT when consistent with the provisions of §36.87.130 RCW.

F. Connection to public street required. Public access sites shall be directly connected to the nearest public street, and, when feasible, shall include improvements that conform to the requirements of the Americans with Disabilities Act (ADA).

G. Concurrency requirement for public access. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.

H. Recording requirements. Public access easements and permit conditions shall be recorded on the deed of title and/or the face of a short or long plat as a condition running, at a minimum, for a period contemporaneous with the duration of the authorized land use. Recordation shall occur at the time of permit approval.

I. Minimum width for required public access easements. The minimum width of all public access easements shall be ten (10) feet.

J. Signage required for public access sites. The standard state approved logo or other approved signs indicating the public's right of access and hours of access shall be constructed, installed and maintained by the project proponent in conspicuous locations at public access sites. Consistent with subsection (C)(1), supra, signs may control or restrict public access as a condition of permit approval.

8.100 Signage.

A. Specific applicability. The regulations contained in this section apply to on and off-premises commercial or advertising signs which direct attention to a business, professional service, community, site, or facility.

B. Sign plan required. Plans and designs for non-exempt signs must be submitted for review at the time of shoreline permit application.

C. Location and design. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.

D. Over-water signs. Over-water signs or signs on floats or pilings shall be prohibited, EXCEPT when related to a water-dependent use.

E. Illuminated signs. Illuminated signs shall be hooded, shaded, or directed so as to eliminate glare when viewed from surrounding properties or watercourses.

F. Size limitations. Signs related to specific on-site uses or activities shall not exceed thirty-two (32) square feet in surface area. On-site free-standing signs shall not exceed six (6) feet in height. When feasible, signs shall be flush mounted against existing buildings.

G. Temporary and obsolete signs. Temporary or obsolete signs shall be removed within ten (10) days of elections, closures of businesses, or termination of any other function. Examples of temporary signs include the following: real estate signs; directional signs for events; political advertisements; event or holiday signs; and construction signs.

H. Signs prohibited in view corridors. No signs shall be placed in view corridors required as a condition of permit approval under this Master Program.

I. Permissible signs. The following types of signs may be permitted in all shoreline designations, subject to the provisions contained within this section:

1. Water navigational signs and highway and railroad signs necessary for operation, safety and direction;

2. Public information signs directly relating to a shoreline use or activity;
3. Off-premise, free signs for community identification, information, or directional purposes;
4. Signs with changing messages, PROVIDED that the information displayed is limited to time, temperature or date or public messages;
5. National, state or institutional flags or temporary decorations customary for special holidays and similar events of a public nature; and
6. Temporary directional signs to public or quasi-public events if removed within ten (10) days following the event.

J. Prohibited signs. The following types of signs are prohibited in all shoreline designations:

1. Signs that impair visual access through view corridors;
2. Off-premises detached outdoor advertising signs;
3. Signs that incorporate spinners, streamers, pennants, flashing or blinking lights and moving devices, EXCEPT for public highway and railroad signs;
4. Signs placed on trees or other natural features; and
5. Commercial signs for products, services or facilities located off-site.

8.110 Utilities (Accessory).

A. Specific applicability. The regulations contained in this section apply to small scale utility distribution services directly connected to permitted shoreline uses (e.g., power, telephone, cable, water and sewer lines, and stormwater and on-site wastewater disposal systems).

B. Utilities placed underground where feasible. Utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Such utility lines shall be located within existing rights-of-way, corridors or bridge crossings where feasible. New accessory utility corridors involving water crossings shall be prohibited, EXCEPT when existing routes are demonstrated to be infeasible.

C. Multiple uses of utility sites and rights-of-way. Development of accessory utility services shall include provision for multiple use of sites and rights-of-way where compatible. Multiple uses may include, but are not necessarily limited to shoreline access points, trails and other forms of recreation and transportation systems, PROVIDED such uses do not unduly interfere with utility operations or endanger public health or safety.

8.120 Vegetation Management.

A. Specific applicability. The regulations contained in this section apply to all development, uses and activities occurring within the shoreline jurisdiction.

B. Development of landslide and erosion hazard areas prohibited. Development of areas designated as erosion or landslide hazard areas within the Critical Areas chapter of the Jefferson County Unified Development Code shall be prohibited, EXCEPT where it is demonstrated to the satisfaction of the Shoreline Administrator that the development is designed and located in such a manner as to prevent contributing to its instability.

C. Shoreline restoration activities. Restoration of any shoreline that has been disturbed or degraded shall use species contained on the county approved plant list.

Where appropriate, native plant materials of a diversity and type similar to that occurring on-site prior to the shoreline disturbance shall be used.

D. Enhancement activities. Beach enhancement is prohibited in the following areas and situations:

1. Within spawning nesting or breeding habitats;
2. Where littoral drift of the enhancement materials will adversely effect adjacent spawning grounds or other areas of biological significance;
3. In areas where it will interfere with the normal public use of the navigable waters of the state; and/or,
4. In areas where the activity is in support of a nonconforming use, EXCEPT when such activities are necessary to maintain shoreline stability and the natural shoreline ecology.

E. Aquatic weed control. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds. All aquatic weed control activities shall conform to the requirements of applicable state rules and regulations.

F. Use of herbicides for aquatic weed control prohibited. Herbicides shall not be used to control aquatic weeds, EXCEPT in situations where no feasible alternative exists and the weed abatement is demonstrated to be in the public's interest. A conditional use permit shall be required for all herbicide use in aquatic areas.

8.130 View Protection.

A. Specific applicability. The regulations contained in this section apply to all development, uses and activities occurring within the shoreline jurisdiction.

B. Avoidance of visual access impacts. Shoreline uses and activities shall be designed and operated to avoid reducing the public's visual access to the water and shoreline.

C. Street vacations prohibited. The vacation of public road ends or public road rights-of-way which provide visual access to the water and shoreline shall be prohibited, EXCEPT when consistent with the provisions of §36.87.130 RCW.

D. Preservation of submerged rights-of-way. Submerged public rights-of-way shall be preserved for visual access.

E. On and over-water development. Development on or over the water shall be constructed as far landward as possible to avoid impacting shoreline and water views of surrounding properties.

F. Materials for construction. Development on the water shall be constructed of non-reflective materials that are compatible in terms of color and texture with the surrounding area.

CHAPTER 9.
SPECIFIC SHORELINE USE REGULATIONS

SECTIONS:

9.010 Boating and Marina Facilities (Marinas, Docks, Piers, Boat Launches, Mooring Buoys and Floats).

A. Specific applicability. The regulations contained in this section shall apply to the development of all boating facilities (marinas, docks, piers, floats and mooring buoys), as set forth in more detail, infra.

B. General regulations—Marinas, docks, piers, recreational floats and buoys.

1. Boating facilities shall be designed to minimize adverse impacts on marine life and the shore process corridor and its operating systems.

2. Boating facilities shall be designed to make use of the natural site configuration to the greatest possible degree.

3. All boating facilities shall comply with the design criteria established by the State Department of Fish and Wildlife relative to disruption of currents, restrictions of tidal prisms, flushing characteristics, and fish passage to the extent that those criteria are consistent with protection of the shore process corridor and it operating systems.

4. All construction of boating facilities shall comply with the current standards set forth by the Washington State Department of Fish and Wildlife regarding design and materials. Areas with poor flushing action shall not be considered for over night or long-term moorage facilities.

5. In general, only one form of moorage or other structure for boat access to the water shall be allowed on a single parcel (i.e., a dock, pier, recreational float, or a boat launch may be permitted subject to the applicable provisions of this section). A mooring buoy may be allowed in conjunction with another form of moorage. However, multiple forms of moorage or other structures for boat access to the water may be allowed on a single parcel only under the following circumstances:

a. Each form of boat access to water serves a public or commercial recreational use, provides public access, is a part of a marina facility, or serves an historic camp or historic resort; or

b. The location proposed for multiple boat access structures is common area owned by or dedicated to the joint-use of the owners of at least four (4) waterfront parcels (i.e., a short plat).

6. Structures on piers and docks shall be discouraged, EXCEPT as provided for in subsection (D)(7) of this section.

C. General regulations - Docks, piers, and recreational floats.

1. Multiple use and expansion of existing facilities shall be preferred over construction of new docks and piers.

2. Mooring buoys shall be preferred over docks and piers along all marine shorelines EXCEPT in the cases of port, commercial, or industrial development in the Rural Intensive and Urban High Intensity environment designations.

3. Individually owned, single-family residential docks, piers and floats may be permitted where it can be demonstrated that a joint-use moorage facility is not feasible; however, multi-use and expansion of existing docks, piers, and floats shall be preferred over the addition and/or proliferation of new piers, docks and floats.

4. For any subdivision, short subdivision or other land divisions occurring after the adoption date of this Master Program, docks, piers and floats shall be limited to a single, joint-use community facility.

5. In instances where state harbor lines and or construction limit lines have not been designated, piers, docks and floats shall project seaward the minimum distance for the intended use and shall not create a hazard to navigation.

6. Every application for a Substantial Development Permit for dock or pier construction shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential impacts upon the following:

a. Littoral drift;

b. Sand movement

c. Water circulation and quality;

d. Fish and wildlife;

e. Scenic views; and

f. Public access to the shoreline.

7. Proposals for docks, piers and floats shall, at a minimum, include the following information:

a. A description of the proposed structure, including its size, location, design, and any shoreline stabilization or other shoreline modification necessitated by the project;

b. The legal ownership of affected tidelands, shorelands, and/or bedlands;

c. The proposed location of docks, piers, floats relative to property lines and the ordinary high water mark (OHWM);

d. The locations, widths, heights and lengths of piers and docks on properties within the project area, as defined by the Shoreline Administrator;

e. The project proponent shall demonstrate that existing facilities are not adequate or feasible to accommodate the proposed use;

f. The possibility of a joint-use facility has been thoroughly investigated and is not feasible;

g. The project proponent shall have the burden of providing additional information as deemed necessary by the Shoreline Administrator.

8. Docks or piers that can reasonably be expected to interfere with the normal erosion-accretion process associated with feeder bluffs shall not be permitted.

9. Docks and piers on braided or meandering river channels shall be prohibited where the river channel is subject to change in configuration or alignment.

10. Abandoned or unsafe docks and piers shall be removed or repaired promptly by the owner. Any abandoned or unsafe dock or pier that constitutes a hazard to the public, may, following notice to the owner, be abated by the county if the owner fails to do so within a reasonable time. In such cases, the county may impose a lien on the applicable shoreline property in an amount equal to the cost of abatement.

11. Unless otherwise approved by Shoreline Conditional Use Permit, boats moored at residential docks shall not be used for commercial overnight accommodations.

12. Use of a dock for regular floatplane access and moorage shall be allowed only by way of a Shoreline Conditional Use Permit and shall be permitted only at commercial or public moorage facilities or at private community docks.

13. Provide documentation that provisions for pump-out facilities are available in the immediate vicinity where boats are occupied for longer than three (3) days.

D. Regulations - General design and construction standards.

1. Chemically treated or coated piles, floats, or other structural members in direct contact with the water shall be sufficiently cured to minimize leaching into the water or shorebed, in accordance with the Best Management Practices approved by the Washington Department of Fish and Wildlife.

2. Pilings employed in piers or any other structure shall have a minimum vertical clearance of two (2) feet above extreme high water.

3. All floats shall include stops that serve to keep the bottom off tidelands at low tide.

4. Where feasible, floats shall be secured with anchored cables in place of pilings.

5. Overhead wiring or plumbing shall be prohibited on piers and docks.

6. Railings, if provided, shall be of clear or open framework design and shall conform to the Uniform Building Code where required.

7. New boathouses or covered moorages shall be prohibited on piers. Other structures on piers and docks shall be limited to fifteen (15) feet in height.

8. Dock or pier lighting shall be designed to shine downward, be of a low wattage, and shall not exceed a height of three (3) feet above the dock surface.

9. All construction-related debris shall be disposed of properly and legally. Any debris that enters the water shall be removed promptly.

10. Materials used in dock or pier construction shall be of a color and finish that will blend visually with the background.

11. The total area of recreational floats shall not exceed one hundred and sixty (160) square feet in size.

12. Private residential piers and docks shall not extend offshore from the ordinary high water mark no farther one hundred and twenty-five (125) feet perpendicular to the shoreline.

13. "T", "L" or finger docks and piers shall be used when it is possible to provide the required moorage depth and spaces with less total dock length from the shoreline.

14. Piers and docks shall be setback a minimum of ten (10) feet from property lines, unless specified otherwise in an applicable join-use agreement.

E. Regulations - Joint-use community piers, docks, and floats.

1. A project proponent for a new or expanded private recreation pier or dock shall provide for joint-use with the owners of immediately adjacent shoreline properties, UNLESS the proponent establishes that joint-use is infeasible. Such joint-use shall be defined by a mutually accepted and legally enforceable joint-use agreement that at minimum, addresses the following:

   a. Apportionment of construction and maintenance expenses;

   b. Easements and liability agreements; and

   c. Use restrictions.

2. New waterfront subdivisions shall include provision for the establishment of one (1) or more joint-use facilities.

3. Participation in joint-use piers and docks shall be limited to lot owners in a subdivision with water frontage, or owners of waterfront property in close proximity to one another.

4. Piers and docks at joint-use facilities may exceed the maximum length specified in subsection (D)(12) of this section, supra, by thirty-five (35) feet for every additional one (1) or two (2) moorages provided, AND an additional thirty-five (35) feet for every additional three (3) or four (4) additional moorages provided, up to a maximum permitted length of one hundred and ninety-five (195) feet.

5. Joint-use docks and piers may be located adjacent to or on a property line when mutually agreed to by contract or covenant with the owners of the adjoining property, PROVIDED that a copy of the contract or covenant is submitted with the shoreline permit application and filed with the County Auditor.

F. Regulations - Commercial and industrial docks and piers.

1. Substantial Development Permits for docks or piers serving individual commercial or industrial enterprises shall not be granted until the project

proponent has contacted the owners of nearby commercial and industrial enterprises regarding their water access needs and plans. Where such an inquiry reveals that more than one (1) nearby enterprise needs and could feasibly make use of a single moorage facility, a permit for an individual facility shall not be issued.

2. In addition to the requirements established in this subsection (F), commercial and industrial moorage facilities and other docks and piers for more than six (6) moorage spaces shall be subject to the regulations contained in subsection (G), Marinas, infra.

3. Bulk storage for gasoline, oil, and other petroleum products for any use or purpose shall be prohibited on piers and docks. The term "bulk storage" refers to non-portable storage in fixed tanks.

4. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.

G. Regulations - Marinas.

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

2. Marinas shall not be located in areas with poor flushing action.

3. Marinas shall be sited to prevent restrictions in the use of commercial and recreational shellfish beds and in compliance with Washington Department of Health "Environmental Health Guidelines for Marina Development and Operation."

4. Marinas shall be designed to minimize adverse effects on the scenic qualities of the shoreline.

5. Provisions for public access, both visual and pedestrian, shall be an integral part of all marina development. Public access shall be designed to be environmentally sound and aesthetically compatible with adjacent areas, as well as to be safe for users. Public access to specific shoreline areas may be restricted to ensure public safety.

6. Marinas shall be operated in a manner to preserve water quality and protect the public health and safety. An Operational Plan shall be submitted with the shoreline application and shall, at a minimum, address the following:

   a. Adequate facilities and operational procedures for fuel handling and storage in order to prevent accidental spillage;

   b. Facilities, equipment and procedures for the containment, recovery, and mitigation of spilled sewage, petroleum and other hazardous materials;

   c. Signage located in areas readily visible to marina users addressing the following:

      i. Regulations pertaining to handling and disposal of waste, sewage, or other toxic materials;

      ii. Regulations prohibiting the disposal of fish or shellfish wastes, scrapfish, viscera or unused bait in or near the marina; and

iii. The location of all public access facilities and pump out devices;

d. Garbage or litter receptacles at several locations convenient to marina users, including provisions for recycling waste;

e. Adequate safety equipment located on dock and pier facilities (e.g., life rings, hooks and ropes);

f. The placement of all pipes, plumbing, wires and cables at the marina site at or below ground and dock levels;

g. The provisions of adequate upland restrooms available twenty-four (24) hours a day for use by any patron of the marina facility; the need for restrooms shall be determined based on the number of slips and percentage of live-aboard and transient moorage slips within the marina.

7. Commercial covered moorage may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be necessary over water.

8. Only water-dependent uses may be located over water.

9. Where filling is permitted, it shall be only for the necessary water-dependent portions of the facility and shall conform to the policies and regulations of §10.050, Dredging and Filling, infra. Filling shall be prohibited solely for the creation of marina parking areas, UNLESS no feasible alternative exists and the creation of a parking area would be otherwise consistent with the provisions of this Master Program and necessary to serve the public interest.

10. If dredging at marina entrances changes the littoral drift processes or adversely affects adjacent shores, the marina operator shall be required to replenish these areas periodically with the appropriate quantity and quality of material, subject to applicable permits.

11. Parking areas associated with marinas shall be subject to the provisions of §8.080, Parking, supra, and §9.110, Transportation Facilities, infra.

H. Regulations - Boat launches.

1. Boat launches shall be designed so as not to obstruct longshore drift.

2. Boat launches shall be located in areas where there is adequate water mixing and flushing action, and shall be designed so as not to retard or negatively influence flushing characteristics.

3. Boat launches shall be prohibited in the Natural environment.

4. Boat launches shall be located where access streets are adequate to handle the traffic load generated by the facility, and shall be designed to minimize other circulation and access conflicts.

5. Boat launches shall be designed so that existing or potential public access along beaches is not unnecessarily blocked or made dangerous, and so that public use of the surface waters below the OHWM is not unduly impaired.

6. Accessory uses at public boat launches shall be limited to those that are water-dependent, necessary for launch operation, or which provide physical or visual shoreline access to substantial numbers of the general public.

9. Boat launches constructed prior to adoption of this SMP shall be treated as non-conforming uses.

I. Regulations - Mooring buoys.

1. Applications for mooring buoys shall include the following information:
   a. Anchor size, type, and weight;
   b. Buoy size, type and color;
   c. Number, size, and type of vessels or other watercraft proposed to be moored;
   d. The purpose of the mooring buoy(s);
   e. An operational plan, including the following:
      i. Swing paths;
      ii. Maximum physical stress placed on buoy;
      iii. Tidal elevations;
      iv. Identification of nearby piers, docks, floats, or other buoys;
      v. Subtidal property lines;
      vi. Existing navigation lanes; and
      vii. Any other information deemed necessary by the Shoreline Administrator.
2. Buoys shall not interfere with navigation and shall be visible in daylight from at least one hundred (100) yards in distance.
3. Buoys shall incorporate reflectors for night visibility.
4. Buoys shall be located at least twenty (20) yards from other existing piers, docks, floats, or other buoys so as not to interfere with these existing uses.
5. Mooring buoys shall be located as close to shore as feasible. They shall not be located further waterward than adjacent mooring buoys, UNLESS necessitated by the draft and/or swing path of the boat.
6. Live-aboard and houseboats shall be prohibited at mooring buoys.
7. If a buoy is located waterward of the extreme low tide line, the owner shall obtain a bed lease from the Department of Natural Resources, in addition to a Shoreline Substantial Development Permit, as required under §332-30-122 (1)(ii) WAC.
8. Buoys shall be marked with the owner's name, address and telephone number.
9. Anchors for mooring buoys shall not be located so that the anchors and chain impact critical shoreline habitat or eelgrass beds.
10. Owners of waterfront property are permitted to install one (1) mooring buoy per waterfront lot, EXCEPT that where the waterfront lot is owned in common with other lot owners in the same subdivision or short plat, additional mooring buoys may be permitted when otherwise consistent with this section.
11. Owners of inshore adjacent properties shall be given preference for mooring buoys.
12. Buoys shall be located between the waterfront property side lot lines extended beyond the shoreline, and vessels moored to the buoys shall not swing across the extended side lot lines. Where the configuration of the waterfront lot

precludes this requirement, an owner of a mooring buoy shall file with the county a written, notarized agreement signed by the affected adjacent waterfront property owners indicating agreement to the buoy placement and access across the tidelands.

13. A person not owning waterfront property is allowed to install a mooring buoy in the area along the shore, PROVIDED that:

a. The buoy meets the requirements of this section; and

b. The buoy owner files with the county a written, notarized agreement signed by the affected adjacent waterfront property owner(s), agreeing to the buoy placement and access across tidelands.

14. A contractor doing waterfront work involving floating equipment may place a temporary mooring buoy convenient to the work site, however, it shall remain the responsibility of the contractor to ensure that all necessary permits are obtained from agencies with jurisdiction.

15. Waterfront property zoned for commercial or industrial use may install mooring buoys for commercial or transient vessels, subject to obtaining a Shoreline Conditional Use Permit for each mooring buoy. Mooring buoys that are allowed under a written Permit Exemption shall not be rented or leased.

16. Provide documentation that provisions for pump-out facilities are available in the immediate vicinity where boats are occupied for longer than three (3) days.

9.020 Commercial Development.

A. Specific applicability.

1. The regulations contained in this section shall apply to the development of uses that are involved in wholesale, retail, service and business trade (e.g., hotels, motels, grocery stores, shopping centers, restaurants, shops, professional offices, and private or public indoor recreation facilities).

2. Uses and activities associated with commercial development that are identified as separate uses and activities elsewhere within this Master Program shall be subject to the specific regulations contained in this Master Program for the relevant associated use AND the provisions of this section.

B. Regulations.

1. The following information shall be required for all proposals for commercial development:

a. A description of the specific nature and character of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented, or mixed-use), including a description of the specific components of the proposal;

b. A description of the reason for needing a shoreline location;

c. Any proposed measures to enhance the relationship of the activity to the shoreline;

d. A description of the proposed provisions for public visual and physical access to the shoreline;

e. A description of mitigation measures proposed to ensure that the development will not cause significant adverse environmental impacts; and

f. For mixed-use proposals, at least one alternative design depicting an optional mixture of uses and activities, structural location, site design, bulk and dimensional configuration, and an alternative approach to public visual and physical access to the shoreline.

2. Commercial parking as a primary use shall be prohibited within the shoreline jurisdiction.

3. All commercial development shall conform to the general regulations and the Shoreline Use-Related Development Standards contained in Table 8.020 of this Master Program.

4. All commercial loading and service areas shall be located on the upland side of the commercial activity, EXCEPT in situations where adequate provisions have been made to screen the loading and service area from the shoreline through the use of landscaping and setbacks.

9.030 Flood Hazard Management Projects.

A. Specific applicability. The regulations contained in this section shall apply to development undertaken with the primary purpose of preventing or mitigating damage due to flooding (e.g., diking, damming, creation of engineered floodways, and bioengineering). The provisions of this section shall also apply to enlargement or modification of existing flood hazard management installations.

B. Regulations.

1. The following information shall be required for all proposals for flood hazard management projects:

a. A description of the river channel hydraulics and floodway characteristics both upstream and downstream from the proposed project;

b. An inventory and description of the existing shoreline stabilization and flood protection works within project area, as defined by the Shoreline Administrator;

c. A description of the physical, geological and soil characteristics of the area;

d. An inventory of the biological resources of the project area, as defined by the Shoreline Administrator, and a description of the predicted impacts to fish, vegetation and wildlife habitat;

e. A description of the predicted impacts to shore and hydraulic processes, and adjacent shoreland and aquatic uses; and

f. An analysis of alternative flood protection measures, both structural and non-structural that could reduce or eliminate significant adverse impacts on the shoreline environment.

2. Structural flood protection measures shall not be permitted, EXCEPT in instances where the project proponent demonstrates to the satisfaction of the

Shoreline Administrator that non-structural measures are inadequate to reduce flood damage.

3. Structural flood protection measures shall be designed by a licensed professional engineer with professional experience in analyzing hydrological information and systems.

4. Dikes, floodwalls and similar structures shall comply with the following provisions:

a. Dikes, floodwalls and similar structures shall be located outside of the floodway and landward of the ordinary high water mark (OHWM);

b. Construction timing shall be coordinated with the Washington State Department of Fish and Wildlife;

c. Dikes, floodwalls and similar structures shall be designed and constructed in conformance with the standards contained in the United States Department of Agriculture's Natural Resource Conservation Service Technical Manual and shall include the following:

i. Layered compaction;

ii. Removal of debris (e.g., tires, etc.); and

iii. Revegetation and maintenance until groundcover is established.

5. Flood protection measures that require rerouting or changing the natural course of the shoreline shall only be permitted if such a proposal is also part of a fish and wildlife habitat enhancement project.

6. When applicable, flood protection measures shall be designed and constructed based on a state approved flood control management plan and in accordance with the National Flood Insurance Program.

7. Shoreline permits (i.e., Permit Exemptions and Substantial Development Permits) shall incorporate the conditions of approval contained in any permit for Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife.

9.040 Industrial Development.

A. Specific applicability.

1. The regulations contained in this section shall apply to all industrial and port development involving the processing, manufacturing and storage of finished or semi-finished goods.

2. Boating and Marina Facilities, Mining, Primary Utilities, and Transportation Facilities shall not be subject to the regulations contained in this section.

B. General Regulations.

1. Non-water-oriented industry shall be prohibited within the shoreline jurisdiction.

2. Accessory development that does not require a shoreline location shall be located upland of the water-dependent portions of the development and setback

from the ordinary high water mark (OHWM) as set forth in the Shoreline Use-Related Development Standards Table contained in §8.030 of this Master Program. For the purposes of this subsection, accessory development may include, but is not necessarily limited to the following: parking; warehousing; open air storage; waste storage and treatment or stormwater detention facilities; utilities; and land transportation development.

3. Existing industrial development on shorelines that is not water-dependent or water-related may be permitted to expand inland from existing structures, but not parallel to, or waterward of the OHWM. Waterward expansion of existing non-water-oriented industry shall be prohibited.

4. Water-dependent industry shall be located and designed to minimize the need for initial and recurrent dredging, filling and other harbor and channel maintenance activities.

5. Docks, piers, pilings (i.e., including dolphins) and launching facilities may be permitted accessory to industrial development, PROVIDED that the facility will serve a water-dependent or water-related use, and the facility does not constitute a hazard to navigation.

6. Storage or disposal of industrial wastes shall be prohibited within shoreline jurisdiction.

C. Design regulations.

1. All new or expanded upland industrial development shall conform to the Shoreline Use-Related Development Standards contained in §8.030 of this Master Program, EXCEPT for those portions of water-dependent development that require direct access to the shoreline.

2. In addition to the Shoreline Use-Related Development Standards contained in §8.030, new or expanded industrial development shall be set back and buffered from adjacent non-industrial shoreline uses. Buffers from adjacent non-industrial uses shall be of adequate width and height and provide adequate plant and soil composition to minimize noise and visual impacts to adjacent properties and the shoreline, and to minimize erosion and protect water quality.

3. Required buffer areas shall not be used for the storage of industrial equipment or materials, or waste disposal, but may be used for outdoor recreation if such use will not violate the purpose, or degrade the function, of the buffer.

4. Whenever feasible and safe, ports and/or water-dependent industry shall include provision for public access to the shoreline and/or provide opportunities for public viewing of the industrial activity.

5. Display and other exterior lighting shall be designed and operated to minimize glare impacts to nearby properties and local traffic.

D. Log storage regulations.

1. Log storage shall not be permitted in public waters where water quality standards cannot be met at all times or where these activities are a hindrance to other beneficial water uses (e.g., small craft navigation).

2. The free-fall, violent dumping of logs into water shall be prohibited. Easy let-down devices shall be employed for placing logs in the water.

3. Positive bark and wood debris control, collection and disposal methods shall be employed at log dumps, raft building areas and mill-side handling zones.

4. Logs shall not be dumped, stored or rafted where grounding will occur.

5. Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again EXCEPT on land or at mill-side.

E. Ship and boat building and repair yards.

1. Ship and boat building and repair yards shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Standards for BMPs shall be drawn from the current edition of Best Management Practices for Small Boat Yards, published by the Lake Union Association.

2. Mobile services shall comply with the applicable BMPs described in the current edition of Best Management Practices for Small Boat Yards, published by the Lake Union Association. Additionally, any cleaning, surfacing or resurfacing operation occurring over water that may result in the entry of debris into water (e.g., paint chips) shall employ tarps temporarily affixed to the hull above the water line. Prior to removing the tarps, the accumulated contents shall be removed by vacuuming or an equivalent method.

9.050 In-stream Structures.

A. Specific applicability.

1. The regulations contained in this section shall apply to the development of in-stream structures and their supporting facilities for the impoundment, diversion, or use of water for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (including both domestic and industrial), and recreational or fisheries enhancement. The regulations contained in this section shall apply to the construction, operation and maintenance, and the expansion of existing structures and facilities.

2. The regulations contained in this section shall not apply to private or community docks, piers, or other similar structures.

B. Regulations.

1. The following information shall be required for all proposals for in-stream structural development:

   a. A site suitability analysis that provides the rationale and justification for the proposed site. The analysis shall include a description and analysis of alternative sites, and a thorough discussion of the environmental impacts of each. The analysis shall address the extent to which existing facilities are fully utilized or unavailable.

   b. The proposed location and design of powerhouses, penstocks accessory structures and access and service roads. Proposed

locations of all structures, roads and improvements shall be field marked.

c. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features.

d. A plan describing the extent and location of vegetation proposed for removal to accommodate the proposed facility, and any proposed plans to revegetate the site following construction.

e. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on streamway hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.

f. A biological resource inventory and analysis prepared by a professional biologist that describes the anticipated effects of the project on fisheries and wildlife resources.

g. A proposed mitigation plan that describes, in detail, provisions for protection of in-stream resources during construction and operation, and any proposed mitigation measures to compensate for resources that cannot be adequately protected. The proposed plan shall include provisions for long-term monitoring and evaluation to assess the efficacy of the plan.

h. Identification of any sites proposed for the depositing of debris, overburden, and other waste materials generated during construction.

2. In-stream structures shall be designed by a licensed professional engineer with professional experience in analyzing hydrological information and systems.

3. In-stream structures and their support facilities shall be located and designed to minimize the need for structural shore defense structures. All diversion structures shall be designed to permit the natural transport of bedload materials.

4. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body.

5. In-stream structures shall provide for adequate upstream or downstream conditions for the migration of anadromous fish, where applicable.

6. All heavy construction equipment, and fuel storage, repair and construction material staging areas shall be located at least two hundred (200) feet from the ordinary high water mark (OHWM), EXCEPT for construction material staging areas which may temporarily be located within two hundred (200) feet from the OHWM.

7. Compensatory mitigation shall be required for the loss of fish and wildlife habitat, and natural systems (including wetlands). The mitigation required shall be commensurate with the value and type of resource or system lost. No net loss of the function(s) of natural systems shall occur from in-stream structural development. In instances where mitigation is determined to be inadequate in preventing the net loss of functions, the application shall be denied.

8. Mitigation plans shall be approved by the Washington State Department of Fish and Wildlife, as applicable.

9. Mitigation activities shall be monitored to determine the effectiveness of the mitigation plan. A third party, subject to approval by Jefferson County and

the Washington State Department of Fish and Wildlife shall accomplish the monitoring activities. Results of monitoring shall be publicly available. In instances where the existing mitigation measures are found to be ineffective, corrective action that satisfies the objectives of the mitigation plan shall be required.

9.060 Pedestrian Beach Access Structures.

A. Specific applicability. The regulations contained in this section shall apply to the development of structures used to provide pedestrian beach access (e.g., steps, stairways, trams, and ramps).

B. Regulations.

1. Pedestrian beach access structures shall be permitted only when no other means of beach access exists or is feasible.
2. Proposals for the development of pedestrian beach access structures shall be evaluated for potential adverse impacts, including, but not necessarily limited to:
    a. Bank stability;
    b. The extent of vegetation removal;
    c. Visual impacts;
    d. Wildlife habitat; and
    e. Structural stability.
3. Beach access structures that are likely to interfere with normal erosion and accretion processes associated with feeder bluffs shall be prohibited.
4. Proposals for the development of pedestrian beach access structures on steep or unstable slopes shall be accompanied by a geotechnical analysis prepared by a licensed professional engineer or geologist attesting to the stability of the site, including a plan for stabilizing the area, and a plan for controlling erosion during and after construction.
5. Pedestrian beach access structures shall be prohibited below the ordinary high water mark (OHWM) unless connected to an authorized dock or pier.
6. Roofs and awnings for pedestrian beach access structures shall be prohibited.
7. The maximum vertical height for any beach access structure shall be twelve (12) feet. The maximum horizontal width of such structures shall be three (3) feet. An appropriate number, per the Uniform Building Code, of intermediate landings or platforms may be allowed. The area of each platform shall not exceed ten (10) square feet in size.

9.070 Recreational Development.

A. Specific applicability.

1. The regulations contained in this section shall apply to the development of all facilities for passive recreation (e.g., hiking, photography, viewing and fishing) and active recreation (e.g., parks, campgrounds, golf courses).

2. The regulations contained in this section shall apply to the development of both publicly and privately owned recreational facilities intended for use by the public, or a private club, group, association or individual.

B. General regulations.

1. Valuable shoreline resources and fragile or unique areas (e.g., wetlands, estuaries and accretion beaches) shall be used only for non-intensive recreational activities that do not require structures.

2. Permanent new recreational structures and facilities shall be located outside the designated one hundred (100) year floodway.

3. All new recreational development shall conform to the bulk and dimensional standards contained in this Master Program, UNLESS it can be shown that the proposed development is essentially water-dependent, requiring direct access to the shoreline.

4. Signs indicating the publics' right to access to shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.

C. Design regulations.

1. No proposal for recreational development shall be approved UNLESS it is demonstrated to the satisfaction of the Shoreline Administrator that the development will maintain, enhance or restore desirable shoreline features including unique and fragile areas, scenic views and aesthetic values. Shoreline permits (i.e., Permit Exemptions and Substantial Development Permits) may include conditions adjusting project dimensions, location, intensity of use, screening, parking requirements and setbacks as necessary to achieve this intent.

2. Recreational developments shall include provision for nonmotorized access to the shoreline (e.g., pedestrian and bicycle paths). Motorized vehicular access shall be prohibited on beaches, bars, spits and stream beds, EXCEPT for boat launches and launch maintenance activities.

3. Proposals for recreational developments shall include a landscape plan that uses species from the county approved plant list. Where appropriate, native, self-sustaining vegetation shall be used. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of campsites, selected view-points or other permitted structures or facilities.

4. Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal.

D. Golf course regulations.

1. All golf course tees, fairways and greens shall be located a minimum of one hundred (100) feet from the ordinary high water mark (OHWM).

2. Along shorelines of state-wide significance, all golf course tees, fairways and greens shall be located a minimum of two hundred (200) feet from the OWHM.

3. Non-water-oriented structures associated with golf courses, such as clubhouses and maintenance buildings, shall be located at least one hundred (100) feet from the OHWM.

4. Golf course fairways shall not cross streams which are within shoreline jurisdiction. Golf courses that are proposed to occupy areas on more than one side of a stream shall be designed to minimize bridge crossings.

5. Trees and snags within required setback areas shall not be removed, EXCEPT that such trees may be removed in instances where a professional forester and the area biologist for the Washington State Department of Fish and Wildlife have determined the trees area a hazard to human health and safety.

6. No golf cart routes shall be allowed within the shoreline jurisdiction.

7. A golf course management plan designed to eliminate the possibility of damage to riparian vegetation, wildlife, surface and ground water quality shall be prepared and implemented for all golf courses.

8. Golf courses shall be constructed and operated in a manner consistent with provisions contained in the document "Best Management Practices for Golf Course Development and Operation" (King County Natural Resource Division, current edition).

9.080 Research and Educational Facilities.

A. Specific applicability. The regulations contained in this section shall apply to the development of uses that are instructional, vocational or research oriented in nature (e.g., boat-building schools, colleges, marine laboratories).

B. Regulations.

1. Applications for research and educational facility development shall include a detailed statement explaining the nature and intensity of the water-dependency or orientation of the proposal. At a minimum, the statement shall include the following:
   a. A description of the nature of the research or educational facility;
   b. An explanation of the need for shoreline frontage;
   c. A description of any measures proposed to enhance the relationship of the activity to the shoreline; and
   d. A description of proposed provisions for shoreline physical public access and/or visual public access.

2. Non-water-oriented research and educational facility development shall be prohibited within the shoreline jurisdiction.

3. Existing institutional development located within the shoreline jurisdiction that is not water-oriented, may be allowed to expand landward from existing structures under a conditional use permit but not parallel to or waterward of the ordinary high water mark (OHWM). Waterward expansion of existing non-water-oriented institutions shall be prohibited.

9.090 Residential Development.

A. Specific applicability.

1. The regulations contained in this section shall apply to the development of one or more buildings, structures, lots, parcels or portions thereof that are designed to be used as a place of habitation, including, but not necessarily limited to the following:

a. Detached single-family residences;
b. Multifamily residences, including apartments and townhouses;
c. Mobile home parks;
d. Short and long subdivisions; and
e. Appurtenant structures.

2. The regulations contained in this section shall not apply to hotels, motels, camping facilities or any other type of overnight or transient accommodation.

B. Location and design regulations.

1. Residential development shall not be approved where flood control or structural shoreline protection measures will be required to create residential lots or site area. Additionally, residential development and appurtenances shall be located and designed to preclude the need for structural shore defense and flood protection works for the useful life of the structure.

2. In order to avoid development in unique or fragile areas, cluster development shall be required for development sites constrained by wetlands, estuaries or other similar features.

3. Residential structures, accessory uses and facilities shall be designed and located so as to preserve views to and from shorelines and water bodies.

4. Storm drainage and/or erosion control provisions shall be required for proposals involving more than 3,000 square feet of impervious surface area. Storm drainage facilities shall be designed to prevent the direct entry of uncontrolled and untreated surface water runoff into adjacent waters and shall be consistent with the Stormwater Chapter of the Jefferson County Unified Development Code.

5. New residential development shall be prohibited over water or floating on the water, and within floodways, wetlands, and estuaries

C. Setback regulations.

1. Residential development, including appurtenances, shall be setback from the ordinary high water mark (OHWM) or the bank's edge a distance adequate to provide a safe structural site for the useful life of the structure, without structural shoreline or bank modification. The useful life of a residential structure shall be deemed to be one hundred (100) years.

2. The standard setback for residential structures, including common appurtenances, shall be fifty (50) feet or one and one-half (1.5) feet horizontal for each vertical foot of bank height, whichever is greater. This setback shall be measured from the base of the bank when the bank's height exceeds ten (10) feet. When the bank's height is less than ten (10) feet, the setback shall be measured from the OHWM.

3. The Shoreline Administrator may increase or decrease a required setback based upon findings and recommendations contained in a geotechnical report prepared by a licensed professional engineer or geologist, PROVIDED that under no circumstance may a reduction result in a setback inadequate to provide a safe structural site for the useful life of the structure (i.e., without structural shoreline or bank modification), and PROVIDED FURTHER that under no circumstance may a setback be reduced to less than the greater of the following:

a. Fifty (50) feet from the OHWM when the bank's height is less than ten (10) feet; or
b. Fifty (50) feet from the base of the bank when the bank's height exceeds ten (10) feet.

D. Public access regulations. The dedication, improvement and maintenance of a pedestrian easement shall be required for all subdivisions and planned unit developments comprised of five (5) or more waterfront lots or units. Easements required under this subsection shall be of sufficient width to ensure usable access to and along the shoreline for all residents of the development and the general public. Easements required under this section shall conform to the Public Access standards contained in this Master Program.

E. Appurtenant structure regulations. Appurtenant structures shall be reasonable in size and purpose and compatible with on-site and adjacent structures, uses and natural features. Appurtenant structures shall meet or exceed applicable setback provisions established for the main structure of the property.

9.100 Resource-Related Development.

A. Agricultural development regulations.

1. Specific applicability.
   a. The regulations contained in this subsection 9.100(A) shall apply to all new agricultural development.
   b. The regulations contained in this subsection 9.100(A) shall not be applied to agricultural processing industries.
   c. Uses and activities associated with agriculture that are identified as separate uses in this Master Program shall be subject to the regulations established for those uses, in addition to the regulations contained in this subsection 9.100(A).
2. Regulations.
   a. Agricultural development shall conform to applicable state and federal policies and regulations, including, but not necessarily limited to the following:
      i. Erosion control guidelines and standards of the Natural Resources Conservation Service and U.S. Department of Agriculture;
      ii. Feedlot guidelines of the U.S. Environmental Protection Agency;
      iii. Washington Pesticide Application Act, Chapter 17.21 RCW; and
      iv. Washington Pesticide Act, Chapter 15.57 RCW.
   b. Manure lagoons shall be set back a minimum of one hundred (100) feet from any water body, river, creek or wetland, and if located in a floodplain, shall be constructed to an elevation of one (1) foot above the base flood level at the site.
   c. Manure spreading shall be prohibited within twenty-five (25) feet of the boundary of the floodway or the ordinary high water mark

(OHWM), whichever point is located further landward. Additionally, manure spreading shall be conducted in a manner that prevents animal wastes from entering water bodies or wetlands adjacent to water bodies.

d. Confinement lots, feeding operations, lot wastes, stockpiles of manure solids and storage of noxious chemicals shall be prohibited within floodways, or within two hundred (200) feet of the OHWM, whichever point is located further landward.

e. A buffer of natural or planted permanent native vegetation shall be maintained between areas used for crops or intensive grazing and adjacent water bodies, rivers, creeks and wetlands. The plant composition and width of the buffer shall be based on site conditions (i.e., type of vegetation, soils types, drainage patterns and slope), and shall be of sufficient width to retard surface runoff, reduce siltation, and promote valuable shade for fish and habitat for other wildlife. In no case shall the required buffer be less than fifty (50) feet measured from the OHWM.

f. Stream banks and water bodies shall be protected from damage due to concentration and overgrazing of livestock through use of the following measures:

i. Bridges, culverts or ramps for stock crossing;

ii. Supplies of fresh water in tanks located on dry land for stock watering; and

iii. Fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of, or damage to, buffer vegetation.

B. Aquaculture regulations.

1. Specific applicability.

a. The regulations contained in this subsection 9.100(B) shall apply to all new aquaculture development.

b. The regulations contained in this subsection 9.100(B) shall not be applied to aquaculture processing industries (i.e., processing, packaging and product storage facilities) or associated commercial uses (i.e., offices and retail sales). Aquaculture processing industries shall not be construed to include the bleeding of fish where the blood is collected on-site and disposed of upland consistent with applicable regulations.

c. The regulations contained in this subsection 9.100(B) shall not be applied to those activities that do not meet the definition of development in this Master Program (e.g., beach culturing and hand harvesting).

2. Regulations.

a. A management plan shall be required for all proposals for aquaculture development, which shall contain a description of the

following, and any additional information deemed necessary by the Shoreline Administrator:

i. Existing shoreline and bathymetric features;
ii. Schedule of development;
iii. Species to be cultured and their sources;
iv. Culture methods;
v. Types and dimensions of structures;
vi. Estimated pounds, numbers, or volume to be harvested per year and maximum pounds, numbers, or volume to be cultured at any time;
vii. Feed type and amount and feeding method, if applicable;
viii. Types, quantities and treatment schedules for proposed use of pesticides, herbicides, hormones antibiotics, vaccines, or other chemicals;
ix. Predator control methods;
x. Anticipated levels of noise, light, and odor and plans for minimizing their impacts; and
xi. A waste disposal plan listing the types and quantities of anticipated waste materials and proposed disposal methods. This plan shall include mortalities, human wastes, aquaculture by-products, toxic materials, and operational solid wastes (e.g., feed-bags and garbage).

b. In addition to the information required under subsection 9.100(B)(2)(a), supra, the management plans submitted for all proposals for extensive intertidal and subtidal aquaculture developments shall contain a description of the following:

i. Population densities and location of geoducks, hardshell clams, Dungeness crabs, fish, sea urchins, sea cucumbers, scallops, abalone, and shrimp and attached marine vegetation including eel grass, kelp beds, and macro algae; and
ii. Tidal current velocities and directions and the magnitude and direction of prevailing storm winds and waves.

c. In addition to the information required under subsection 9.100(B)(2)(a), supra, the management plans submitted for all proposals for intensive subtidal aquaculture developments shall include a site characterization and baseline survey if required by the Recommended Interim Guidelines for the Management of Salmon Net Pen Culture in Puget Sound, the Preferred Alternative of the Final Programmatic EIS for Fish Culture in Floating Net-Pens, or subsequently State approved documents.

d. In addition to the information required under subsection 9.100(B)(2)(a), supra, the management plans submitted for all proposals for intensive and extensive upland aquaculture developments shall include a detailed analysis of potential impacts

to animals, plants, and water quality due to the discharge of waste water from the development in conformance with the applicable Washington State Department of Ecology waste water discharge permit.

e. In addition to the information required under subsection 9.100(B)(2)(a), supra, the management plans submitted for all proposals for floating aquaculture development shall include a visual assessment conforming to the Washington State Department of Ecology's Aquaculture Siting Study and a photo or computer simulation demonstrating the development's appearance from the nearest shore, from atop the nearest shore bank, and from typical shore and bank-top view points, if any, within fifteen hundred (1,500) feet. Delayed release enhancement facilities that are sited in existing marinas shall not be required to provide this information.

f. In addition to the information required under subsection 9.100(B)(2)(a), supra, the management plans submitted for all proposals for subtidal aquaculture developments shall provide proof of application for an aquatic lands lease from the Washington State Department of Natural Resources.

g. In addition to the information required under subsection 9.100(B)(2)(a), supra, the management plans submitted for all proposals for the mechanical or hydraulic harvesting of subtidal and intertidal benthic infauna (e.g., hardshell clams or geoducks) shall include a written assessment for each tract area containing the following information:

i. Tract size and location;
ii. Harvesting techniques;
iii. Resource and resource abundance (i.e., amount, distribution, and diversity);
iv. Associated flora and fauna (i.e., amount, distribution, and diversity);
v. Substrate composition;
vi. Relationship to an approved state-wide management plan;
vii. Relationship to other permits, rules, and regulations;
viii. Assessment of tidal current direction and velocity; and
ix. Proposed method for marking tract boundary.

3. Operators of aquaculture developments shall provide relevant reports as follows:

a. Operators of extensive intertidal and subtidal aquaculture developments shall submit the following:

i. Copies of any regular reports required by the Washington State Department of Fish and Wildlife regarding environmental assessment;

ii. Timely notification of mortalities above the predicted rate and the likely cause.

b. Operators of intensive subtidal aquaculture developments shall submit the following:

i. Copies of reports detailing the findings of regular monitoring as required by the Recommended Interim Guidelines for the Management of Salmon net Pen Culture in Puget Sound, the Preferred Alternative of the Final Programmatic (EIS) for Fish Culture in Floating Net-Pens, National Pollutant Discharge Elimination System permits (NPDES) or subsequently adopted documents;

ii. Timely notification of mortalities above the expected rate and the likely cause; and

iii. Application records of any chemicals used in conjunction with the operation including feed hormones or additives for disease control, tank cleaning chemicals, oil or other hazardous material.

4. Aquaculture developments shall not be approved in narrow channels, shipping lanes, or in other areas where they are a significant hazard to navigation.

5. Project proponents for floating aquaculture developments shall demonstrate through a visual assessment that the development would have no significant adverse impact on the aesthetic quality of the shoreline.

6. Floating aquaculture developments shall be sited and oriented in a manner that most effectively disperses their waste products and minimizes water quality degradation.

7. Aquaculture developments shall be separated by a sufficient distance to ensure that significant adverse cumulative effects do not occur.

8. Intensive aquaculture developments shall be sited no closer than two (2) nautical miles from the mouths of Type I rivers and streams and one (1) nautical mile from Type II streams, PROVIDED, that a lesser standard may prevail based on a finding by the Washington Department of Fisheries that no adverse impact would result. Delayed release finfish developments, hatcheries, and upland tank farms shall be exempt from this regulation.

9. Project proponents for aquaculture development shall demonstrate that the proposal will not result in adverse effects to estuaries that are designated Natural in this Master Program or to the Protection Island National Wildlife Refuge.

10. Intensive subtidal aquaculture developments shall not be located within three hundred (300) feet of habitats of special significance as defined in the Recommended Interim Guidelines for the Management of Salmon Net Pen Culture in Puget Sound if those habitats are located in depths less than seventy-five (75) feet at mean lower low water. Habitats of special significance include eel grass and kelp beds, rocky reefs, geoduck, and hardshell clam beds, and significant populations of Dungeness crabs, herring, and finfish such as ling cod, true cod, sole and flounder, rock fish, cabezone, and sea perch.

11. Intensive subtidal aquaculture developments shall not be located within fifteen hundred (1,500) feet of bird and mammalian habitats of special significance including seal and sea lion haulout areas, seabird nesting sites or colonies, and areas specifically identified as critical for feeding or migration of birds and mammals.
12. Aquaculture developments shall be located so as not to materially interfere with navigational access to waterfront property and public recreation areas.
13. Aquaculture developments shall obtain all required state and federal waste discharge permits prior to commencing operation. Copies of all waste discharge permits shall be provided to the Jefferson County Department of Community Development.
14. Aquaculture developments shall be designed and constructed to harmonize insofar as possible with the local shoreline environment. Aquacultural structures and equipment shall be of sound construction and shall be so maintained. Permitted structures that are abandoned or unsafe shall be removed or repaired promptly by the owner.
15. Maximum surface area encompassed by intensive subtidal aquaculture developments shall not exceed two (2) acres.
16. Reflected glare or direct light generated by aquaculture developments other than that produced by navigational aids shall be minimized to the greatest extent possible. Lighting fixtures shall be designed and hooded to prevent the light source from being directly visible from outside the boundaries of the property. The intensity or brightness of all security lighting shall not adversely affect water areas and vessel traffic or the use of surrounding properties or adjacent rights-of-ways.
17. The operators of aquaculture developments shall-control odor through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation. A specific plan for identifying and controlling odors shall be developed and approved as part of the permit approval process.
18. Overwater structures appurtenant to floating aquaculture developments such as work shelters, sleeping quarters, and storage sheds shall be prohibited. An attendant workboat which is used for regular navigation and also provides the above functions and sanitary facilities may be approved and conditioned.
19. Total height of floating structures and associated equipment shall not exceed nine (9) feet in height above the water's surface.
20. Only non-lethal predator control measures shall be used against birds and mammals. Predator control methods shall comply with appropriate federal and state rules.
21. Aquaculture activities shall make minimal and appropriate use of approved pesticides, herbicides, antibiotics, vaccines, growth stimulants, or other chemicals. Operators shall receive prior review and approval from the appropriate federal and state agencies.
22. Only state and federal approved anti-fouling agents shall be used in aquaculture developments.

23. Waste materials or aquaculture by-products EXCEPT shellfish shells shall not be disposed of in the Aquatic environment. Wastes disposed of upland shall meet all applicable state and county waste disposal standards.

24. Processing of aquaculture products shall not occur in or over the water EXCEPT for sorting or culling of cultured organisms and washing or removal of surface materials or organisms. All other processing and processing facilities shall be located on land and shall be governed by the applicable policies and regulations of this Master Program when located within the shoreline jurisdiction.

25. Proposals for the mechanical harvesting of subtidal and intertidal benthic infauna (e.g., hardshell clams) that involve substantial substrate modification shall be processed under the Filling, Dredging and Dredge Material Disposal regulations contained in this Master Program, in addition to the provisions of this section.

26. Aquaculture developments that require structures shall be prohibited in wetlands and estuaries that designated Natural in this Master Program.

27. Aquaculture developments that culture fin fish shall only use offspring of brood stock that has been approved by appropriate state and federal agencies. Records of the source of brood stock and the genetic background of smolts shall be maintained and made available to the county upon request.

28. Upland aquaculture developments located in the Rural Conservancy designation shall be screened from view from adjacent residential or recreational areas by fences, berms, and/or vegetative buffers.

29. Floating aquaculture developments shall not be located within one thousand five-hundred (1,500) feet of public parks and designated Historic Districts unless a visual assessment demonstrates that no significant impact on the character of those areas would result.

C. Forest practice regulations.

1. Specific applicability.

   a. The regulations contained in this subsection 9.100(C) shall apply to all forest practices involving activities that meet the definition of development in this Master Program (e.g., road building, grading for landings, construction of major fire trails,etc.)

   b. The regulations contained in this subsection 9.100(C) shall apply when timberland is converted to another use (Type IV conversion Forest Practice Permit).

   c. The regulations contained in this subsection 9.100(B) shall not be applied to forest practices that do not involve activities that meet the definition of development in this Master Program (e.g., timber cutting alone).

2. Any commercial logging permitted in shorelines shall comply with the Washington State Forest Practices Act RCW 76.09 and WAC 222, as amended, in addition to any regulations contained within this Shoreline Master Program. Where there is conflict with the regulatory provisions of this Master Program with other rules applicable to a development, the more restrictive regulation shall be applied.

3. Timber harvesting for conversion purposes shall be prohibited prior to issuance of any required shoreline permit for proposed land division or subsequent intended uses.
4. When timberland is converted to another use, the intent to convert shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use shall result in any subsequent development proposal being reviewed as a conditional use, and shall constitute the basis for denial of all subsequent development proposals for a period of six (6) years from the date of approval of the Forest Practice application.
5. Conversion Option Harvest Plan (COHP) forest practices shall be prohibited within the shoreline jurisdiction.
6. Timber harvesting in wetlands shall be prohibited. Trees shall be directionally felled away from water bodies and wetlands.
7. Snags, nonmerchantable trees, down timber and understory vegetation within fifty (50) feet of the OHWM (or the Channel Migration Zone (CMZ) under certain circumstances) shall be left intact in order to stabilize soils and maintain water quality, EXCEPT the removal of snags shall be permitted when required by the Washington State Department of Labor and Industries. In instances where insufficient non-merchantable trees exist to maintain an effective buffer zone, an adequate fringe of merchantable timber shall be left undisturbed.
8. Timber harvesting shall be prohibited on or immediately above feeder bluffs.
9. Timber harvesting shall be conducted in a manner that ensures that no part of any tree is deposited in or across any watercourse. In instances where trees or debris inadvertently enter a watercourse as a result of logging activity, such trees and debris shall be immediately removed in a manner minimizes disturbance to the watercourse.
10. Timber harvesting shall be prohibited on slopes where significant erosion and sedimentation would be precipitated, EXCEPT in instances where the county has approved a plan for adequate and prompt erosion control and restoration.
11. Tractor skids shall be adequately located and drained so that sediment is kept out of watercourses and water bodies. Tractor yarding shall be prohibited on unstable slopes and slopes exceeding thirty (30) percent. Cable yarding through watercourses shall be prohibited.
12. Site preparation by burning shall be prohibited.
13. Scarification piles shall be prohibited. Scarification shall be prohibited within fifty (50) feet of the OHWM (or the Channel Migration Zone (CMZ) under certain circumstances), or wetlands.
14. All roads and trails shall be designed to minimize the need to alter natural features and to be compatible with the existing topography of the site. Roads and trails shall be prohibited within steep or unstable slopes, wetlands, and natural drainageways.
15. To the extent feasible, road construction and drainageway crossings shall be minimized by making use of existing roads. Where roads pass through land under other ownership, but would otherwise adequately serve the proposed

operation, the project proponent shall attempt to secure the right to use the existing road before proposing the construction of any new roads.

16. Running surface widths of roads shall not exceed twenty-six (26) feet for two (2) lane roads, or twenty (20) feet for one (1) lane roads.

17. Road cuts and fills shall be balanced or waste and borrow areas designed and located in such a manner that erosion potential is minimized.

18. Where culverts must be installed, they shall be adequately sized and designed to withstand the 100 year flood event carry the anticipated peak flows and kept free of obstructions. No culvert shall be less than fifteen (18) inches in diameter.

19. Road drainage, regardless of the collection method, shall be directed onto the forest floor in a manner that will permit the accumulated sediment to settle and be deposited before the stormwater reaches any marine or freshwater body.

20. Road construction shall be undertaken during that portion of the year when soil erosion does not pose a serious problem. When this is infeasible, acceptable measures for the prevention of erosion shall be taken.

21. Skid roads, fire trails, abandoned roads and other erosion-prone conditions caused by timber harvesting shall be water-barred on completion of the activity. When such areas are located within fifty (50) feet of water bodies, or on slopes exceeding thirty (30) percent, replanting and stabilization shall be completed within one (1) year of timber harvest.

22. Any replanting or reseeding required under the Forest Practice Regulations, Chapter 222-16 WAC, shall be completed within eighteen (18) months of timber harvest.

23. Commercial timber harvesting along shorelines of state-wide significance, shall comply with the Washington State Forest Practices Act RCW 76.09 and WAC 222, as amended, in addition to any regulations contained within this Shoreline Master Program and in RCW 90.58.150, as amended.

D. Mining regulations.

1. Specific applicability.

   a. The regulations contained in this subsection 9.100(D) shall apply to all new mining activities, including primary processing of naturally occurring materials. For the purposes of this subsection 9.100(D), primary processing shall be construed to include screening, crushing, and stockpiling of materials removed from the site where the processing activity is located.

   b. The regulations contained in this subsection 9.100(D) shall not be applied to secondary processing industries associated with mining, including, but not necessarily limited to: the manufacture of molded or cast concrete or asphalt products; asphalt mixing operations; or concrete batching operations.

2. Proposals for mining shall be accompanied by a report prepared by a competent professional geologist that includes a description of the following:

   a. Types of materials present on the site;

b. Quantity and quality of each material;
c. Lateral extent and depth of mineral deposits;
d. Depth of mineral deposits;
e. Depth of overburden and proposed depth of mining;
f. Cross section diagrams indicating present and proposed elevations and/or extraction levels;
g. Existing drainage patterns, seasonal or continuous, and proposed alterations to drainage patterns;
h. Proposed means of controlling surface runoff and preventing or minimizing erosion and sedimentation;
i. The location and sensitivity of any affected flood hazard areas;
j. The overall mining plan, including scheduling, increases in activity seasonally, and daily operation schedules;
k. Proposed screening buffering or fencing plans consistent with the requirements of this Master Program;
l. Anticipated impacts to aquatic and riparian habitat; and
m. A proposed reclamation plan that, at a minimum, meets the requirements of Chapter 78.44 RCW.

3. All mineral extraction shall be performed in full compliance with the Washington State Surface Mining Act (RCW 78.44), EXCEPT where such compliance would, in the opinion of the Shoreline Administrator, result in adverse impacts on the shoreline and naturally functioning shore processes.

4. The extraction of minerals from any marine or freshwater lake beach for any commercial or industrial purpose is prohibited. Extraction of minerals shall be construed to include, but is not necessarily limited to: sand, gravel, cobbles, boulders, or quarry rock. Mineral extraction for non-commercial or industrial purposes may be prohibited when necessary to protect natural resources or systems.

5. Topsoil or other overburden having value for agriculture or other beneficial uses shall not be removed or disposed of in a manner that will reduce its value or prevent its future use.

6. Overburden, mining debris and tailings shall not be placed in water bodies or floodways and shall be stored and protected in such a manner so as to prevent or minimize erosion or seepage to surface and ground waters.

7. Approved mining operations may be further conditioned or terminated in instances where substantial evidence indicates that such operations are causing significant adverse impacts to water quality or to the geohydraulic functioning of a river.

8. Scalping gravel from streamway bars shall only be permitted through a conditional use permit.

9. Excavation of sand gravel and other minerals by the open pit method shall be prohibited within floodways.

10. A minimum one hundred (100) foot buffer of undisturbed soils and native vegetation shall be maintained between the mining site, including accessory facilities, and adjacent properties and abutting water bodies and wetlands,

EXCEPT that this buffer requirement may be waived for approved streamway bar scalping operations.

11. Approved reclamation programs shall be initiated within sixty (60) days following the completion of the mineral extraction operations.

9.110 Transportation Facilities (primary).

A. Specific applicability. The regulations contained in this section shall apply to development of facilities and structures that aid in the land and water surface movement of people, goods and services (e.g., highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, heliports and related facilities).

B. Location and design regulations.

1. New roads, highways, freeways and railways shall be located outside shoreline jurisdiction, EXCEPT for unavoidable water crossings and transportation facilities serving water-dependent or public uses.
2. In instances where water crossing is required, roads shall cross shoreline areas and water bodies by the shortest, most direct route feasible unless such route would cause more damage to the environment.
3. Transportation and primary utility facilities shall be required to make joint-use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be minimized by doing so.
4. When feasible, transportation facilities allowed to cross over water bodies, wetlands and estuaries shall utilize elevated, open pile or pier structures. Bridges shall be constructed to allow the passage of debris and provide at least three (3) feet of clearance above the one hundred (100) year flood level.
5. Bridges, crossings, culverts and similar devices used by fish shall meet all requirements established by the Washington State Department of Fish and Wildlife.
6. Bridge abutments and necessary approach fills shall be located landward of wetlands or the ordinary high water mark (OHWM) for water bodies without wetlands, PROVIDED abutments and necessary approach fills for bridge piers may be permitted in a water body subject to approval of a Conditional Use Permit.
7. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.
8. Culverts and similar devices shall be designed with regard to the fifty (50) year storm frequencies and/or other standards required by the state hydraulic code.
9. Culverts shall be located so as to avoid relocation of the stream channel.
10. New transportation facilities shall be located and designed to minimize the need for shoreline protective measures (e.g., riprap or other bank stabilization, landfill, bulkheads, groins, jetties, or substantial site grading).
11. Transportation facilities shall be designed, constructed and maintained to contain and control all debris, overburden, runoff, erosion and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills or side cast materials.

C. Setback regulations.

1. Except where water crossing is necessary, roads, railroads and other transportation facilities permitted shall be located landward of the following areas:
    a. Estuaries and their wetlands;
    b. Erosion or accretion shoreforms and associated drift sectors and backshore marshes; and
    c. Fresh and saltwater areas with which priority species have a primary association.
2. All roads and railroads, if permitted parallel to shoreline areas, shall conform to the setback standards set forth in the Shoreline Use-Related Development Standards Table contained in §8.030 of this Master Program, and shall be provided with buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.

D. Construction and maintenance regulations.

1. Overburden, debris and other waste materials from both construction and maintenance activities, including drainage ditch clearing, shall be deposited in stable locations where reentry and erosion into water bodies, wetlands, estuaries, tidelands, accretion beaches and other unique natural areas is prevented.
2. No machinery shall operate within a stream bed EXCEPT in compliance with a Hydraulics Permit Approval (HPA) issued by the Washington State Department of Fish and Wildlife.

9.120 Utilities (Primary).

A. Specific applicability.

1. The regulations contained in this section shall apply to the development of primary utility facilities and services that produce, transmit, carry, store, process or dispose of electric power, gas, potable water, sewage, communications, and oil (e.g., solid waste handling and disposal facilities, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities).

B. General regulations.

1. The following information shall be required for all proposals for primary utility facilities:
    a. A description of the proposed facilities;
    b. The rationale and justification for siting the proposed facility within the shoreline jurisdiction;
    c. A discussion of alternative locations considered and reasons for their elimination;
    d. A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities of other types of utilities in the project;
    e. A plan for the reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the facility; and

f. A plan for the control of erosion and turbidity during construction and operation.

2. Utility facilities shall include provision for compatible, multiple use of sites and rights-of-way (e.g., shoreline access points and trail systems), EXCEPT in instances where multiple use would unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

3. When feasible, utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.

4. The following utility facilities shall be prohibited within the shoreline jurisdiction, EXCEPT when no alternative location exists and subject to a conditional use permit:

a. Water system treatment plants;

b. Sewage system lines, interceptors, pump stations and treatment plants;

c. Electrical energy generating plants, substations, lines and cables, EXCEPT for in-stream structures; and

d. Petroleum and gas pipelines.

5. New solid waste disposal sites and facilities shall be prohibited within the shoreline jurisdiction.

C. Location and design regulations.

1. New utility lines including electricity, communications and fuel lines shall be located underground, EXCEPT where the presence of bedrock or other obstructions make such placement infeasible. Existing above ground lines shall be moved underground during normal replacement processes.

2. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

3. Utility facilities requiring withdrawal of water from streams or rivers shall be located only where minimum flows as established by the Washington Department of Fisheries can be maintained.

4. Utility developments shall be located and designed so as to avoid or minimize the use of any structural or artificial shore defense or flood protection works.

5. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, EXCEPT in situations where no other feasible alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body.

6. Construction of utilities under water or in adjacent wetlands shall be timed to avoid fish migratory and spawning periods.

7. Filling activities within the shoreline jurisdiction for utility facility or line development purposes shall be prohibited. Permitted crossings shall use pier or open pile construction.

8. Clearing of vegetation for the installation or maintenance of utilities shall be minimized and disturbed areas shall be restored following project completion consistent with the requirements of the current edition of the Department of Ecology's Stormwater Management Manual and the Stormwater Management provisions of the Jefferson County Unified Development Code.

CHAPTER 10.
SHORELINE MODIFICATION ACTIVITY REGULATIONS

SECTIONS:

10.010 Shoreline Modification Activities - Generally.

A. Applicability.

1. The regulations contained in this section shall apply to all structural and non-structural shoreline stabilization and flood protection actions (e.g., riprap, bulkheads, jetties, groins, beach nourishment and bioengineering), regardless of whether such activities address a single property or multiple properties.

2. Flood hazard management activities shall be reviewed under the provisions of the Flood Hazard Management section of this Master Program AND the provisions of this section.

B. Regulations.

1. Structural shoreline stabilization measures shall be prohibited, EXCEPT in instances where the project proponent demonstrates to the satisfaction of the Shoreline Administrator that non-structural measures are inadequate to achieve the intended purpose. A geotechnical analysis prepared by a licensed professional engineer attesting to the inadequacy of non-structural solutions shall be a prerequisite to allowing any exception to this general prohibition.

2. Structural shoreline stabilization measures shall meet all requirements established by the Washington State Department of Fish and Wildlife.

3. The following information shall be required for all proposals for shoreline modification, shoreline stabilization and flood protection proposals, in addition to any standard permit information requirements that may apply:

   a. A statement of the purpose of the project;
   b. A description of the hydraulic characteristics of the shore in the project area, as defined by the Shoreline Administrator;
   c. An inventory and characterization of existing shoreline stabilization and flood protection devices in the project area, as defined by the Shoreline Administrator;
   d. A description of the proposed materials and construction methods;
   e. A description of the location of the proposal relative to the toe and crest of uplands and adjacent structures, if applicable;
   f. For proposals along marine waters, a graphic depicting the location of the ordinary high water mark (OHWM), mean higher high and

extreme high water levels (e.g., the highest recorded level or the one hundred (100) year flood elevation);

g. For proposals along freshwater, a graphic depicting the location of the OHWM and the one hundred (100) year flood level;

h. A description of the net direction of littoral drift changes and tidal currents, if applicable;

i. A description of the general direction and speed of prevailing winds;

j. A drawing depicting profile and plan view of the beach and adjacent uplands;

k. A description of the biological, physical, geological and soil characteristics of the project area, as defined by the Shoreline Administrator, including a description of the beach type, slope and material for proposals along marine shorelines;

l. For proposals along marine waters, a characterization of the physical or geologic stability of adjacent upland areas;

m. A description of the predicted impacts to shore and hydraulic processes, and adjacent shoreland and aquatic uses; and

n. An analysis of alternative measures, both structural and non-structural, which could reduce or eliminate significant adverse impacts on the shoreline environment while achieving the intended purpose.

4. River and stream channel direction modification shall be prohibited, EXCEPT when such activities are essential to carrying out a use permitted under this Master Program and then only when no feasible alternative exists.

5. All flood control diking shall be located landward of designated floodways and any wetlands directly associated or interdependent with the river.

6. All disturbed shoreline areas shall be restored to a configuration that approximates, as near as possible, pre-project conditions. In situations where native species are inadequate to prevent erosion and siltation, revegetation may be accomplished in a manner consistent with the State Department of Ecology's Stormwater Management Manual.

7. Shoreline stabilization and flood protection works shall be prohibited in the following areas:

a. Wetlands;

b. Point and channel bars; and

c. Salmon and trout spawning areas, EXCEPT for authorized fish or wildlife habitat enhancement efforts.

8. Dikes and levees shall be limited in size to the height required to protect adjacent lands from predictable annual flooding.

10.020 Breakwaters, Jetties, Rock Weirs and Groins.

A. Specific applicability.

1. The regulations contained in subsection 10.020(B) of this section shall apply to all breakwaters (i.e., floating, open-pile and fixed), jetties, rock weirs and groins.
2. The regulations contained subsection 10.020(C) of this section shall apply to all breakwaters.
3. The regulations contained in subsection 10.020(D) of this section shall apply to all jetties, rock weirs and groins.

B. General regulations.

1. All breakwaters, jetties, rock weirs and groins shall be designed and constructed in conformity to all requirements established by the Washington State Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
2. Breakwaters, jetties, rock weirs and groins shall be permitted only when necessary to prevent damage to existing structures, or in instances where it is demonstrated that such works are in the public interest and necessary to maintain shoreline environmental resources.
3. Proposed designs for all new or expanded breakwaters, jetties, rock weirs and groins shall be prepared by a licensed professional engineer.
4. The design for any new breakwater, jetty or rock weir or groin shall incorporate provision for public access (e.g., sightseeing, public fishing, etc.), EXCEPT when it is determined that such access is infeasible and undesirable.
5. Materials used for the construction of breakwaters, jetties, rock weirs and groins shall be of long-term durability, easily maintained, and compatible with local shoreline processes and aesthetic characteristics. Solid waste, junk, abandoned vehicles, asphalt and building demolition debris shall be prohibited.
6. The effect of proposed breakwaters, jetties, rock weirs and groins shall be fully evaluated. The beneficiaries or owners of new shore defense works that substantially alter, reduce or block littoral drift and cause erosion of downdrift shores shall establish and maintain a long-term beach feeding program.

C. Breakwaters - Regulations.

1. Breakwaters shall be prohibited in lakes.
2. Breakwaters shall only be permitted by way of a conditional use permit, and then, only under the following conditions:
    a. The breakwater is shown to be necessary for purposes of navigation, industrial activities or a marina; and
    b. The breakwater is necessary to protect water-dependent uses that are located seaward of the existing shoreline; and
    c. The breakwater is demonstrated to be essential for protection from strong wave action.
3. Solid breakwaters, as opposed to floating breakwaters, shall be prohibited, EXCEPT in instances where it is shown that they will not result in significant adverse impacts on aquatic biology or shore processes that cannot be fully mitigated.

D. Jetties, rock weirs and groins - Regulations.

1. Jetties, rock weirs and groins shall only be permitted by way of a conditional use permit, and then, only under the following conditions:
    a. The jetty, rock weir or groin is shown to be necessary for purposes of navigation, industrial or marina activities, erosion control, or fisheries or habitat enhancement; and
    b. A resource management plan is developed that includes public beach management as an integral component.
2. Groins shall be prohibited for the purpose of gaining access across tidal areas to deep water EXCEPT when integral to a public access project.

10.030 Bulkheads, Seawalls and Revetments.

A. Specific applicability. The regulations contained in section shall apply to all bulkheads, seawalls and revetments.

B. General regulations.

1. Proposed designs for all new or expanded bulkheads, seawalls and revetments shall be prepared by a licensed professional engineer.
2. Bulkheads may be allowed only when evidence is presented conclusively demonstrating the following:
    a. Serious wave erosion threatens an established use or existing building(s) on upland property and it is infeasible to move the "established use" or building(s);
    b. The bulkhead is necessary to protect a water-dependent or water-related activity, AND all other alternatives have proven infeasible (e.g., revetments, building relocation, alternative design, and non-structural shore stabilization options); and
    c. The use of natural materials and processes and non-structural solutions to bank stabilization are unworkable in protecting existing development.
4. The construction of a bulkhead for the primary purpose of retaining a landfill shall be prohibited, UNLESS proposed in conjunction with a water-dependent or public use.
5. Gabions (i.e., wire mesh filled with concrete or rocks) shall not be used in bulkhead construction, because of their limited durability and the potential hazard to shore users and the shoreline environment.
6. Use of a bulkhead or revetment to protect a platted lot where no structure presently exists shall be prohibited.
7. Revetments or bulkheads shall be prohibited for any purpose if they are likely to cause significant erosion or beach starvation.

C. Location regulations.

1. Revetments and bulkheads shall not be located on shorelines that are sensitive to interference and critical to shoreline conservation, including, but not necessarily limited to:
    a. Feeder bluffs;

b. Wetlands; and

c. Accretion shoreforms (e.g., spits, hooks, bars, or barrier beaches).

2. Revetments and bulkheads shall be permitted only when local physical conditions (e.g., foundation bearing material, surface and subsurface drainage) are suitable for such alterations.

3. Bulkheads, seawalls and revetments shall be located landward of the ordinary high water mark (OHWM), landward of protective berms, and configured so as to be generally parallel to the natural shoreline. Additionally, the following provisions shall apply:

a. On marine accretion beaches bulkheads shall be set back a minimum of twenty-five (25) feet landward from the OHWM, however, on sloping, bluff or cliff shores, bulkheads shall be placed as far landward of the OHWM as feasible;

b. On bluff or bank shorelines where no other bulkheads are adjacent, the bulkhead shall be located as close to the bank as possible, however, revetment footing shall extend waterward a sufficient distance to permit adequate run-up to dissipate wave energy;

c. Bulkheads and revetments shall be located so as to tie in flush with existing bulkheads on adjoining properties, EXCEPT in instances where the adjoining bulkheads do not comply with the location requirements set forth above.

D. Design regulations.

1. Revetments shall be designed to be consistent with the following criteria:

a. The size and quantity of the material shall be limited to that necessary to withstand the estimated energy intensity of the hydraulic system;

b. Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling; and

c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action.

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

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

4. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.

5. Adequate toe protection shall be provided to ensure bulkhead stability without relying on additional rip-rap.

6. Materials used in bulkhead construction shall use stable, erosion resistant, materials (e.g., concrete, wood, rock rip-rap, etc.) that will accomplish the shore protection objectives with the maximum preservation of natural shoreline characteristics.

10.040 Bioengineering and Beach Restoration and Enhancement.

A. Specific applicability.

1. The regulations contained subsection 10.040(B) of this section shall apply to all bioengineering activities.

2. The regulations contained in subsection 10.040(C) of this section shall apply to beach restoration and enhancement activities.

B. Bioengineering - Regulations.

1. The following information shall be required for all proposals for bioengineering, in addition to the information requirements contained in 10.010(B)(2) and any other standard permit information requirements that may apply:

   a. The proposed timing of all construction phases of the project;

   b. The proposed design of transition areas between bioengineering site and adjacent properties, both up and downstream of project; and

   c. Documentation, including photographs, of existing pre-construction shoreline characteristics.

2. Bioengineering projects shall use a variety of native plant materials (i.e., trees, shrubs and grasses) UNLESS demonstrated to be infeasible for the particular site.

3. Following construction, cleared areas shall be replanted and irrigated, if necessary, to ensure that vegetation will be fully reestablished within three (3) years.

4. For a minimum of three (3) years following project completion, a bank protection buffer zone shall be provided to exclude livestock, vehicles, and/or other activities that could disturb the site.

5. Upon completion, bioengineering projects shall be monitored, and areas damaged by pests and/or the elements shall be promptly repaired.

6. All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife habitat, and to optimize survival of new vegetation.

C. Beach restoration and enhancement - Regulations.

1. Beach enhancement may be permitted when it is conclusively demonstrated that no significant change in littoral drift or river currents will occur and that it will not adversely affect adjacent properties or priority species habitat.

2. Design alternatives for natural beach restoration and enhancement activities shall be based upon best available science.

3. Beach restoration and enhancement activities shall not result in the interruption of littoral drift, or redirection of waves, current or sediment to other shorelines.

4. Beach enhancement activities shall not result in the creation of additional dry land and shall not extend waterward of the ordinary high water mark (OHWM) more than necessary to achieve the desired stabilization.

5. Beach enhancement shall be prevented within spawning, nesting or breeding habitat of priority species and in areas where littoral drift of

enhancement materials will adversely effect adjacent spawning grounds UNLESS the Department of Fish and Wildlife determines such a project is beneficial to the subject habitat area.

6. Beach enhancement shall be prohibited in areas where it is likely to interfere with the normal public use of the navigable waters of the state.

10.050 Filling, Dredging, and Dredge Material Disposal.

A. Specific applicability

1. The regulations contained in subsection 10.050(B) of this section shall apply to all filling activity, including the disposal of any dredged material on land.

2. The regulations contained subsection 10.050(C) of this section shall apply to all dredging and dredge material disposal activities.

B. Filling regulations.

1. The following information shall be required for all proposals for filling:
   a. A description of the proposed use of the fill area;
   b. A description of the fill material, including its source, and physical, chemical and biological characteristics;
   c. A description of the method of placement and compaction;
   d. A description of the location of the fill relative to natural and/or existing drainage patterns;
   e. A graphic depiction of the fill perimeter relative to the ordinary high water mark (OHWM);
   f. A description of proposed means to control perimeter erosion and stabilize the fill; and
   g. A description of proposed surface runoff control measures.

2. Filling activities waterward of the OHWM shall only be permitted by way of a conditional use permit, and then, only under the following conditions:
   a. In conjunction with a permitted water-dependent or public use; and
   b. When necessary for fisheries, aquaculture, or wildlife habitat enhancement projects.

3. Filling activities shall be prohibited in floodways , EXCEPT in instances where it can be conclusively demonstrated that the geohydraulic characteristics and storage capacity of the floodway will not be altered.

4. Filling activities shall be permitted only in instances where it is demonstrated that such activity will not result in significant adverse impacts to:
   a. Water quality;
   b. Fish, shellfish and/or wildlife habitat;
   c. Natural drainage and circulation patterns, currents, river and tidal flows and flood water storage capacities.

5. When permitted, fills shall be no larger than necessary to accommodate the proposed use.

6. Fills shall be designed, constructed and maintained to prevent, minimize and control all material movement, erosion and sedimentation from the affected

area. The design and construction of the perimeters of landfills shall incorporate silt curtains, vegetation, retaining walls, or other appropriate mechanisms necessary to prevent erosion and sedimentation both during the project and following completion.

7. Approved fill materials include sand, gravel, soil, rock or similar material. The use of contaminated dredge material shall be prohibited.

8. The timing of filling activities shall be regulated to minimize damage to water quality and aquatic life.

C. Dredging regulations.

1. Applications for shoreline dredging and dredged material disposal shall include a copy of all information, data, and analyses submitted in accordance with the Puget Sound Dredged Disposal Analysis (PSDDA) evaluation procedures for managing the in-water disposal of dredged material, and the U.S. Army Corps of Engineers process for Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits. Applications shall include a copy of the PSDDA approved sampling analysis plan, the data report and quality assurance/quality and control (QA/QC) report, and the suitability decision issued by the PSDDA agencies.

2. Proposals for dredging and dredged material disposal shall be evaluated for their potential to cause significant adverse environmental impacts, with separate consideration given to the potential adverse effects of the initial dredging, subsequent maintenance dredging, and dredged material disposal. Dredging and dredged material disposal shall be permitted only when it is conclusively demonstrated that the proposed actions will not:

   a. Result in significant and/or ongoing damage to water quality, fish, shellfish and other essential marine biological elements; and

   b. Adversely alter natural drainage and circulation patterns, currents, and tidal flows or significantly reduce floodwater storage capacities.

3. Proposals for dredging and dredged material disposal shall include all feasible mitigation measures to protect marine habitats and to minimize adverse environmental impacts (e.g., turbidity, nutrient releases, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities).

4. Dredging and dredged material disposal shall be scheduled to protect biological productivity and to minimize interference with fishing activities. Dredging activities shall be prohibited in commercial fishing areas during a fishing season, UNLESS specifically addressed and mitigated in the permit.

5. Dredging waterward of the ordinary high water mark (OHWM) shall only be permitted under the following conditions:

   a. For navigation or navigational access;

   b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;

c. As part of an approved habitat improvement or environmental remediation project.
d. To improve water flow or water quality;
e. In conjunction with a navigational structure, waste-water treatment facility, or some other public facility for which a documented public need exists and where other sites or routes are infeasible.

6. When permitted, dredging shall be limited to the minimum necessary to accommodate the proposed use.

7. Dredging activities shall be conducted using techniques that cause minimum dispersal and broadcast of bottom material.

8. New dredging activity shall be prohibited in the following locations:
a. In environmentally sensitive habitats (e.g. stream mouth estuaries, wetlands) EXCEPT under a conditional use permit;
b. Along net positive drift sectors and where active geohydraulic processes and accretion shore forms would be damaged or altered;
c. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity, resulting in the need for continual maintenance dredging;
d. In habitats identified as critical to the life cycle of officially designated or protected fish or shellfish; and
e. In areas where concentrations of environmental pollutants or toxic chemicals are present in the bottom sediments that would be released in dredging operations.

9. Dredging for the primary purpose of obtaining material for landfill shall be prohibited.

10. Material unacceptable for unconfined, open-water disposal, as determined based on PSDDA criteria and guidelines, may be considered for disposal at confined open-water sites or upland managed sites.

11. Depositing dredged materials in water areas, other than PSDDA sites, shall be allowed only by conditional use permit and only for the following reasons:
a. Wildlife habitat improvement;
b. To correct material distribution problems adversely affecting fish and shellfish resources;
c. For permitted beach enhancement; and
d. For environmental remediation (e.g., capping of contaminated sediments).

12. Dredged materials deposited on land shall constitute a fill, and when deposited within the shoreline jurisdiction shall comply with the filling regulations of this Master Program.

13. Near shore or upland disposal of dredged materials shall not be located upon, adversely affect, or diminish:
a. Estuaries, wetlands, or significant plant communities;

b. Natural resources, EXCEPT when necessary for enhancement purposes (e.g., sand and gravel deposits, timber, or natural recreational beaches and waters);
c. Designated or officially recognized wildlife habitat and concentration areas;
d. Water quality, quantity, and drainage characteristics; and

e. Public access to shorelines and water bodies.

CHAPTER 11.
ADMINISTRATION & ENFORCEMENT

SECTIONS:

11.010 Administrative Authority and Responsibility.

A. Shoreline Administrator.

1. The Director of the Jefferson County Department of Community Development or his/her designee (the Shoreline Administrator) is vested with the following authority and responsibility:
    a. Overall administrative responsibility for this Master Program;
    b. Authority to recommend to the Hearing Examiner approval, approval with conditions, or denial of applications for shoreline Substantial Development Permits and Permit Revisions in accordance with the policies and regulations of this Master Program and the provisions of Chapter _____ of the Jefferson County Unified Development Code, "Land Use Procedures";
    c. Authority to grant written Permit Exemptions from shoreline Substantial Development Permit requirements of this Master Program; and
    d. Authority to determine compliance with the State Environmental Policy Act (Chapter 43.21C RCW; Chapter 197-11 WAC).
2. The duties of the Shoreline Administrator shall include the following:

a. Specifying the required application forms and submittal requirements including the type, details and number of copies for Permit Exemptions, Substantial Development Permits, Conditional Use Permits and Variance Permits. At a minimum, applications for Substantial Development Permits, Conditional Use Permits and Variance Permits shall the information required under §173-27-180 WAC or its successor.
b. Advising interested citizens and project proponents of the goals, policies, regulations and procedures of this Master Program;
c. Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act (the "Act");
d. Collecting applicable fees;
e. Determining that application submittals are substantially complete;
f. Making field inspections as necessary;
g. Determining whether a shoreline Permit Exemption, Substantial Development Permit, Conditional Use Permit or Variance Permit is required;
h. Submitting Substantial Development Permit, Variance Permit and Conditional Use Permit applications and making written recommendations and findings on such permits to the Hearing Examiner for his/her consideration and final action;
i. Assuring that proper notice is given to appropriate persons and the public for all hearings;
j. Providing technical and administrative assistance to the Hearing Examiner as required for effective and equitable implementation of this Master Program and the Act;
k. Providing a summary report of the shoreline permits issued in the past calendar year to the Hearing Examiner and the Jefferson County Board of County Commissioners (the Board), including the following:
    i. Findings and conclusions on significant administrative determinations and appeals;
    ii. Identification of problem areas and emerging issues; and
    iii. Recommendations on how this Master Program can be improved;
l. Investigating, developing and proposing amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies;
m. Seeking remedies for alleged violations of this Master Program, the provisions of the Act, or of conditions of any approved Shoreline Permit issued by the county;
n. Coordination of information with affected agencies; and
o. Forwarding any decision on an application for a Substantial Development Permit, Conditional Use Permit or Variance to the

Washington State Department of Ecology (Ecology or Department of Ecology) for filing or action.

p. Concurrently forwarding any decision required to be sent to the Department of Ecology to the Office of the State Attorney General.

B. Hearing Examiner.

1. The Hearing Examiner is vested with the following authority:

a. Authority to approve, approve with conditions, or deny shoreline Substantial Development Permits, Variance Permits and Conditional Use Permits after considering the findings and recommendations of the Shoreline Administrator; PROVIDED that any decisions made by the Hearing Examiner may be further appealed to the Jefferson County Appellate Hearing Examiner (the "Appellate Examiner") as provided in this Chapter and Chapter _____ of the Unified Development Code;

b. Authority to decide local administrative appeals of the Shoreline Administrator's actions and interpretations, as provided in this Chapter and Chapter _____ of the Unified Development Code;

2. The duties and responsibilities of the Hearing Examiner shall include the following:

a. Consideration of Shoreline Substantial Development Permit, Variance Permit and Conditional Use Permit applications and administrative appeals of the Shoreline Administrator's actions on regular meeting days or public hearings;

b. Review of the findings and recommendations for permit applications or appeals of the Shoreline Administrator's actions and interpretations;

c. Approval, approval with conditions, or denial of Substantial Development Permits, Variance Permits and Conditional Use Permits;

d. Conducting public hearings on appeals of the Shoreline Administrator's actions, interpretations and decisions;

e. Basing all decisions on shoreline permits or administrative appeals on the criteria established in this Master Program;

f. At his or her sole discretion, requiring any project proponent granted a shoreline permit to post a bond or other acceptable security with the county conditioned to assure that the project proponent and/or his or her successors in interest adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least one hundred and fifty (150) percent of the estimated development cost including attached conditions. Such bonds or securities shall be approved as the form the Jefferson County Prosecuting Attorney.

C. Appellate Hearing Examiner.

1. The Appellate Examiner is vested with the authority to decide appeals of the Hearing Examiner's decisions, as provided in this Chapter and Chapter _____

of the Unified Development Code; PROVIDED that any decisions made by the Appellate Examiner may be further appealed to the Shoreline Hearings Board as provided in §11.090 of this Chapter.

2. The duties and responsibilities of the Appellate Examiner shall include the following:

a. Consideration of appeals of the Hearing Examiner's actions and decisions on Shoreline Substantial Development Permit, Variance Permit and Conditional Use Permit applications and appeals of the Shoreline Administrator's actions on regular meeting days or public hearings;

b. Conducting closed record public hearings on appeals of the Hearing Examiner's actions, interpretations and decisions; and

c. Basing all decisions on appeals on the criteria established in this Master Program.

D. Board of Commissioners.

1. The Jefferson County Board of County Commissioners (the BOCC) is vested with the authority to approve any revisions or amendments to this Master Program in accordance with the applicable requirements of the Act and the Washington Administrative Code.

2. The BOCC shall review and act upon any recommendations of the Shoreline Administrator for amendments to, or revisions of, this Master Program. The BOCC shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective any amendment to this Master Program must be reviewed and adopted by the Department of Ecology pursuant to §90.58.190 RCW and Chapter 173-26 WAC.

E. Tax Assessor. As provided for in §90.58.290 RCW, the restrictions imposed upon the use of real property through the implementation of the policies and regulations of the Act and this Master Program shall be considered by the Jefferson County Assessor and the Jefferson County Board of Equalization in establishing the fair market value of such properties.

11.020 Substantial Development Permit or Permit Exemption Required.

A. Development regulated - Permit Exemptions.

1. Development shall not be undertaken within the jurisdiction of the Act and this Master Program UNLESS a Permit Exemption has been obtained documenting that the development is consistent with the policies and procedures of the Act, all applicable state regulations and this Master Program.

2. The request for the Permit Exemption shall be in writing, on forms required by the Shoreline Administrator, and include the information required by the Administrator. In the case of an emergency, the Shoreline Administrator may waive this requirement and authorize the development orally or in writing.

3. The Permit Exemption shall be in writing UNLESS an oral emergency statement is given as provided in subsection 2, supra. If an oral emergency Permit Exemption is given, the Shoreline Administrator shall follow up in writing as to the details of the permit and send it to the project proponent as soon as possible.

4. The Shoreline Administrator shall decide requests for Permit Exemptions based on the provisions of the Act, the applicable provisions of the Washington State Administrative Code (WAC) and the provisions of this Master Program. If there are any conflicts between the Act or the WAC and this Master Program, the Act or the WAC shall control, EXCEPT that where the WAC grants local governments the authority to more specifically define exempt uses and activities, those definitions contained in Chapter 1 of this Master Program shall control.

5. Development that is exempt from the requirement to obtain a Substantial Development Permit under Chapter 1 of this Master Program is exempt from the requirement to obtain a shoreline permit UNLESS such development is classified as a conditional use under Table 8.010, "Shoreline Use Table," of this Master Program, or cannot comply with the regulations of this Master Program; in such cases a Conditional Use Permit or Variance Permit shall be required.

6. The exemptions contained in Chapter 1 are to be construed narrowly.

7. Exempt development shall comply with the Act and this SMP. The Shoreline Administrator shall condition Permit Exemptions to ensure that exempt development complies with the Act and this SMP.

8. Whenever a development is exempt from the requirement to obtain a Substantial Development Permit and the development is subject to a U.S. Corps of Engineers §10 Permit under the Federal Rivers and Harbors Act of 1899 (i.e., generally applicable to any project occurring on or over navigable waters) or a §404 Permit under the Federal Water Pollution Control Act of 1972 (i.e., generally applicable to projects involving discharges of dredge or fill material to any water or wetland area), the Shoreline Administrator shall prepare a letter addressed to the project proponent and the Department of Ecology, exempting the development from the Substantial Development Permit requirements of the Act. The exemption shall be in substantially the same form as the exemption format contained in §173-27-050 WAC or its successor. This letter shall substitute for the Permit Exemption required under subsection A(1), supra.

B. Substantial development regulated. Substantial development shall not be undertaken within the jurisdiction of the Act and this Master Program UNLESS a substantial development permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the project proponent given permission to proceed by the proper authority. "Substantial development" shall be defined as it is by the Act (§90.58.030 RCW) and supplementing provisions of the Washington Administrative Code (§173-27-040 WAC). Developments not requiring a Substantial Development Permit are set forth in Chapter 1 of this Master Program.

11.030 Fees.

A. Fees due at application. A filing fee in an amount established by the Jefferson County Board of County Commissioners shall be paid to the county at the time of application.

B. No fee for watershed restoration projects. Consistent with §90.58.515 RCW, no fee shall be charged for watershed restoration projects.

C. Triple fees for permits obtained after development. Permits obtained following, rather than prior to, the establishment of a development or use shall be three (3) times the normal amount.

11.040 Permit Application.

A. Forms. The Shoreline Administrator shall provide the necessary application forms for Permit Exemptions, Substantial Development Permits, Conditional Use Permits, and Variance Permits.

B. Contents. A complete application for a Substantial Development Permit, Conditional Use Permit, or Variance Permit shall, at a minimum, contain the following information, as required under §173-27-180 WAC:

1. The name, address and phone number of the project proponent. The project proponent should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
2. The name, address and phone number of the project proponent's representative if other than the project proponent.
3. The name, address and phone number of the property owner, if other than the project proponent.
4. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall include a longitude and latitude location.
5. Identification of the name of the shoreline (i.e., water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the Act over the project is derived.
6. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
7. A general description of the property as it now exists including its physical characteristics and improvements and structures.
8. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
9. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
    a. The boundary of the parcel(s) of land upon which the development is proposed.
    b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location PROVIDED, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in

the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

d. A delineation of all wetland areas that will be altered or used as a part of the development.

e. A general indication of the character of vegetation found on the site.

f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

g. Where applicable, a landscaping plan for the project.

h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

i. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

j. Quantity, composition and destination of any excavated or dredged material.

k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

m. On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

10. Any other supplemental information, studies or reports deemed necessary by the Shoreline Administrator.

11.050 Review Process and Approving Authority.

A. Master Program applicability, Permit Exemptions and application submittal requirements. Determinations of the Shoreline Administrator regarding the geographic applicability of this Master Program, Permit Exemptions and application submittal requirements shall be processed as Type A decisions pursuant to Chapter _____ of the Jefferson County Unified Development Code, "Land Use Procedures."

B. Substantial Development Permits, Conditional Use Permits and Variance Permits. Applications for Substantial Development Permits, Conditional Use Permits and Variance Permits shall be processed as Type B decisions pursuant to Chapter _____ of the Jefferson County Unified Development Code, "Land Use Procedures."

C. Master Program Amendments. All amendments to this Master Program shall be processed as Type C decisions pursuant to Chapter _____ of the Jefferson County Unified Development Code, "Land Use Procedures."

11.060 Time Requirements of Permits and Permit Exemptions.

A. Expiration of Permits and Permit Exemptions. The following time requirements shall apply to all Permit Exemptions, Substantial Development Permits and to any development authorized pursuant to a Variance Permit or Conditional Use Permit.

1. Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two (2) years of the effective date of the permit or Permit Exemption, PROVIDED, that the Shoreline Administrator may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.
2. Authorization to conduct development activities shall terminate five (5) years after the effective date of a permit or Permit Exemption; PROVIDED, that the Shoreline Administrator may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.

B. Permits and Permit Exemptions - Effective Date. The effective date of a shoreline permit or Permit Exemption shall be the date of the last action required on the shoreline permit or Permit Exemption and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the project proponent to inform the Shoreline Administrator of the pendency of other permit applications filed with agencies other than Jefferson County and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the Shoreline Administrator prior to the date established by the shoreline permit, Permit Exemption, or the provisions of this section, the expiration of a permit shall be based on the shoreline permit or Permit Exemption.

C. Satisfaction of conditions required prior to occupancy or use. When permit or Permit Exemption approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural

activity; PROVIDED, that an alternative compliance limit may be specified in the permit or Permit Exemption.

D. Revisions following expiration of original permit or Permit Exemption. Revisions to permits and Permit Exemptions under §11.070 of this Chapter may be authorized after original permit or Permit Exemption authorization has expired under subsection A of this section; PROVIDED, that this procedure shall not be used to extend the original permit or Permit Exemption time requirements or to authorize substantial development after the time limits of the original permit or Permit Exemption.

E. Extensions - Notice to Ecology. The Shoreline Administrator shall notify the Department of Ecology in writing of any change to the effective date of a Substantial Development Permit, Variance Permit or Conditional Use Permit as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit or Permit Exemption other than those authorized by this section shall require a new permit application.

11.070 Revisions to Permits.

A. Revisions required for substantive changes. A permit revision is required whenever the project proponent proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this Master Program and/or the policies and provisions of the Act. Changes that are not substantive in effect do not require approval of a revision. When a project proponent seeks to revise a permit, the Shoreline Administrator shall request from the project proponent detailed plans and text describing the proposed changes.

B. When revisions may be approved. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this Master Program and the Act, the Shoreline Administrator may approve a revision. "Within the scope and intent of the original permit" means all of the following:

1. No additional over water construction is involved, EXCEPT that pier, dock, or float construction may be increased by five hundred (500) square feet or ten (10) percent from the provisions of the original permit, whichever is less;
2. Ground area coverage and height may be increased a maximum of ten (10) percent from the provisions of the original permit;
3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this Master Program, EXCEPT as authorized under a variance granted as the original permit or a part thereof;
4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this Master Program;
5. The primary use authorized pursuant to the original permit is not changed; and
6. No adverse environmental impact will be caused by the project revision.

C. Revisions after expiration of original permit authorization. Revisions to permits may be authorized after original permit authorization has expired under §173-27-080(2) WAC. The purpose of such revisions shall be limited to authorization of changes that are consistent with this section and which would not require a permit for the development or change proposed under the terms of the Act, Chapter 173-27 WAC and this Master Program. If the proposed change constitutes substantial development then a new permit is required; PROVIDED, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

D. Cumulative revisions. If the sum of the revision and any previously approved revisions do not meet the criteria set forth in subsection B of this section, the Shoreline Administrator shall require that the project proponent apply for a new permit.

E. Filing of revisions with the Department of Ecology. The revision approval, including the revised site plans and text consistent with the provisions contained in §11.050 of this chapter as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the Department of Ecology. Additionally, the Shoreline Administrator shall notify parties of record of the action.

F. Revisions to Conditional Use Permits and Variance Permits. If the revision to the original permit involves a Conditional Use Permit or Variance Permit, the Shoreline Administrator shall submit the revision to the Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of §173-27-100 WAC or its successor. The Shoreline Administrator shall notify parties of record of the final decision of the Department of Ecology.

G. Revisions - When effective. The revised permit is effective immediately upon the final decision by the Shoreline Administrator or, when appropriate under subsection F of this section, upon final action by the Department of Ecology.

H. Appeals. Appeals shall be in accordance with §90.58.180 RCW and shall be filed within twenty-one (21) days from the date of receipt of the Shoreline Administrator's action by the Department of Ecology or, when appropriate under subsection F of this section, the date the final decision of the Department of Ecology is transmitted to the Shoreline Administrator and the project proponent. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection B of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the project proponent's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

11.080 Appeals to the Shoreline Hearings Board and the Growth Management Hearings Board.

A. Appeals of decisions concerning Substantial Development Permits. Following completion of an administrative appeal regarding a Substantial Development Permit pursuant to Chapter _____ of the Jefferson County Unified Development Code, "Land

Use Procedures," further review may be sought by appeal to the Washington State Shoreline Hearings Board (Shoreline Hearings Board) pursuant to §90.58.180.

B. Appeals of decisions concerning Conditional Use Permits and Variance Permits. Pursuant to Chapter _____ of the Unified Development Code, "Land Use Procedures," decisions of the Jefferson County Hearing Examiner regarding Conditional Use Permits and Variance Permits may be appealed to the Jefferson County Appellate Hearing Examiner prior to issuance of a final decision on the application by the Department of Ecology. Following the final decision of the Department of Ecology, further review may be sought by appeal to the Shoreline Hearings Board.

C. Appeals of decisions to amend this Master Program. Pursuant to §90.58.190 RCW and §36.70A.280 RCW, a decision by the Jefferson County Board of County Commissioners to amend this Master Program shall not constitute a final appealable decision until the Department of Ecology has made a decision to approve, reject, or modify the proposed amendment. Following the decision of the Department of Ecology regarding the proposed amendment, the decision may be appealed to the Western Washington Growth Management Hearings Board.

11.090 Variance and Conditional Use Permits.

A. Variance Permits. The purpose of a Variance Permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of this Master Program will impose unnecessary hardships on the project proponent or thwart the policies set forth in §90.58.020 RCW.

1. Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in §90.58.020 RCW. In all instances the project proponent shall demonstrate that extraordinary circumstances exist and the public interest will suffer no substantial detrimental effect.
2. Variance Permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM) and/or landward of any wetland may be authorized PROVIDED the project proponent can demonstrate all of the following:
    a. The strict application of the bulk, dimensional or performance standards set forth in this Master Program precludes, or significantly interferes with, reasonable use of the property;
    b. The hardship described in subsection a, supra, is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Master Program, and not, for example, from deed restrictions or the project proponent's own actions;
    c. The design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Master Program and will not cause adverse impacts to the shoreline environment;

d. The variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

e. The variance requested is the minimum necessary to afford relief; and

f. The public interest will suffer no substantial detrimental effect.

3. Variance Permits for development and/or uses that will be located waterward of the OHWM or within any wetland may be authorized, PROVIDED the project proponent can demonstrate all of the following:

a. The strict application of the bulk, dimensional or performance standards set forth in this Master Program precludes all reasonable use of the property;

b. The proposal is consistent with the criteria established under subsection 11.070(A)(2)(b)-(f) of this section; and

c. The public rights of navigation and use of the shorelines will not be adversely affected.

4. In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of §90.58.020 RCW and shall not cause substantial adverse effects to the shoreline environment.

5. Variances from the use regulations of this Master Program are prohibited.

B. Conditional Use Permits. The purpose of a conditional use permit is to provide a system within this Master Program that allows flexibility in the application of use regulations in a manner consistent with the policies of §90.58.020 RCW. In authorizing a conditional use, special conditions may be attached to the permit by the Hearing Examiner or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this Master Program.

1. Uses that are classified or set forth in Table 8.010 of this Master Program, "Shoreline Use Table," as conditional uses may be authorized, PROVIDED that the project proponent demonstrates all of the following:

a. The proposed use is consistent with the policies of §90.58.020 RCW and this Master Program;

b. The proposed use will not interfere with the normal public use of public shorelines;

c. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Master Program;

d. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

e. The public interest suffers no substantial detrimental effect.

2. In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the

area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of §90.58.020 RCW and shall not produce substantial adverse effects to the shoreline environment.

3. Uses that are specifically prohibited by this Master Program shall not be authorized pursuant to this subsection.

11.100 Unclassified Uses. Uses that are not classified or set forth in Table 8.010 of this Master Program, "Shoreline Use Table," may be authorized as conditional uses, PROVIDED that the project proponent demonstrates the following:

1. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with the policies of §90.58.020 RCW; and
2. Consistency with the requirements of subsection 11.070(B), supra, and any other requirements for conditional uses contained in this Master Program.

11.110 Ecology Approval of Conditional Use and Variance Permits.

A. Permits submitted to Ecology. Following approval of a Conditional Use Permit or Variance Permit by the Hearing Examiner, the Shoreline Administrator shall submit the permit to the Department of Ecology for review and approval, approval with conditions, or denial.

B. Notice of Ecology's decision provided to interested persons. The Shoreline Administrator shall provide timely notification of the final decision of the Department of Ecology to those interested persons having requested notification from the county.

11.120 Nonconforming Development. Nonconforming development is a shoreline use or structure that was lawfully constructed or established prior to the effective date of the Act, this Master Program, or amendments hereto, but which does not conform to the present regulations or standards of this Master Program or the provisions of the Act. In such cases, the following standards shall apply:

1. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded, PROVIDED that the enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
2. Uses and developments that were legally established and are nonconforming with regard to the use regulations of this Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, EXCEPT that nonconforming single-family residences that are located landward of the ordinary high water mark (OHWM) may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in this Master Program upon approval of a Conditional Use Permit.
3. A use that is listed as a conditional use but which existed prior to adoption of this Master Program or amendment hereto, and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use. A use

that is listed as a conditional use but which existed prior to the applicability of this Master Program to the site and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.

4. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

5. A structure that is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Conditional Use Permit. A Conditional Use Permit may be approved only upon a finding that:

   a. No reasonable alternative conforming use is practical; and

   b. The proposed use will be at least as consistent with the policies and provisions of the Act and this Master Program and as compatible with the uses in the area as the preexisting use.

Additionally, conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this Master Program and the Act and to assure that the use will not become a nuisance or a hazard.

6. A nonconforming structure that is moved any distance must be brought into conformance with this Master Program and the Act.

7. If a nonconforming development is damaged to an extent not exceeding seventy-five (75) percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, PROVIDED that application is made for the permits necessary to restore the development within six (6) months of the date the damage occurred, all permits are obtained and the restoration is completed within two (2) years of permit issuance.

8. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve months (12) during any two (2) year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection 5 of this section shall be considered a conforming use for purposes of this section.

9. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with county and state subdivision requirements prior to the effective date of the Act or this Master Program, but which does not conform to the present lot size standards, may be developed if otherwise permitted under the Jefferson County Unified Development Code, and so long as such development conforms to all other requirements of this Master Program and the Act.

11.130 Enforcement and Penalties.

A. Shoreline Administrator's authority. Whenever the Shoreline Administrator determines that a condition exists in violation of this Master Program or any standard required by this Master Program, or in violation of any permit issued under this Master Program, he or she is authorized to enforce the provisions of this Master Program.

B. Enforcement procedures. All violations of any provision of this Master Program or any incorporated standards, or any permit issued under this Master Program, are made subject to the provisions of Chapter _____ of the Jefferson County Unified Development Code, "Land Use Administration and Enforcement." The Shoreline Administrator is authorized to order correction and discontinuance of any violation of the provisions of this Master Program under the procedures of Chapter _____ of the Unified Development Code, which provide for voluntary correction orders, notice and orders to correct the violation, abatement orders, stop work and emergency orders, and assessment of civil penalties not to exceed one thousand dollars ($1,000) for each violation.

C. Order to cease violation.

1. Whenever any such violation is found, pending commencement and completion of the voluntary correction and/or notice and order procedures of Chapter _____ of the Unified Development Code, the Shoreline Administrator may order the cessation of activity causing the violation by notice in writing served on or mailed to the person(s) engaged in or causing such condition.
2. The order shall set forth and contain the following:
    a. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
    b. A notice that the violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time.
3. The effect of such order shall be to require immediate cessation of any activity causing the violation upon receipt by the person to whom the order is directed.
4. Such orders shall not be affected by any right of appeal afforded by this Master Program or any other provision of the Unified Development Code.

D. Public Nuisance. All violations of this Master Program and standards required hereby are determined to be detrimental to the public health, safety and welfare and are public nuisances. All conditions that are determined by the Shoreline Administrator to be in violation of this Master Program or standards required hereby shall be subject to the provisions of this Master Program and shall be corrected by any reasonable and lawful means, as provided in Chapter _____ Unified Development Code.

E. Alternative Remedies. As an alternative to any other judicial or administrative remedy provided in this Master Program or by law or other ordinance, any person who willfully or knowingly violates or fails to comply with any stop work order or emergency order issued pursuant to Chapter _____ of the Unified Development Code is guilty of a misdemeanor and upon conviction shall be punished as provided in §_____ of the Unified Development Code. Each day such violation or failure to comply continues shall be considered an additional misdemeanor offense.

11.140 Master Program Review and Amendments.

A. Review required at least once every five (5) years. This Master Program shall be reviewed at least once every five (5) years and adjustments shall be made as may become necessary to reflect changing local circumstances, new information or improved data and changes in State statutes and regulations. This review process shall be consistent with the requirements of Chapter 173-26 WAC or successor provisions thereto,

and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

B. Amendments. The provisions of this Master Program may be amended as provided in §§ 90.58.120 and 90.58.200 RCW, Chapter 173-26 WAC, consistent with the requirements of §36.70A.130 RCW and Chapter _____ of the Jefferson County Unified Development Code , "Comprehensive Plan and Development Regulations Amendment Process."

11.150 Conflict of Laws. In the event a conflict occurs between the provisions of this Master Program and the laws, regulations, codes or rules of any other authority having jurisdiction within the county, the more restrictive requirement shall be applied, EXCEPT when constrained by federal or state law, or where specifically provided otherwise in this Master Program.

11.160 Inspections. Whenever it is necessary to make an inspection to enforce any of the provisions of this Master Program or whenever the Shoreline Administrator has reasonable cause to believe that there exists in any building, or upon any premises, any condition that constitutes a violation of this Master Program, the Shoreline Administrator may enter such building or premises. If the building or premises is occupied, the Shoreline Administrator shall first present proper credentials and demand entry, and if the building or premises is unoccupied, the Administrator shall first make reasonable efforts to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Shoreline Administrator shall have recourse to every remedy provided by law to secure entry, including administrative search warrants. The Jefferson County Prosecuting Attorney shall provide assistance to the Shoreline Administrator in obtaining administrative search warrants or other legal remedies.

11.170 Transfer of Approved Permits. An approved Substantial Development Permit, Conditional Use Permit or Variance Permit may be transferred from the original project proponent to any successor in interest to the project proponent PROVIDED that all of the conditions and requirements of the approved permit or variance shall continue in effect as long as the use or activity is pursued or the structure exists UNLESS the terms of the Substantial Development Permit, Conditional Use Permit, or Variance Permit are modified in accordance with the relevant provisions of this Master Program.

11.180 Third-Party Review.

The Shoreline Administrator shall determine when third-party review shall be required. Third-party review requires any technical studies or inventories provided by the project proponent to be reviewed by an independent third party, paid for by the project proponent, but hired by the Shoreline Administrator. A qualified professional shall conduct third-party review. In determining the need for third-party review, the Shoreline Administrator shall base his/her decision upon, but shall not be limited to, such factors as whether there has been incomplete submittal of data or apparently inadequate

design work, whether the project is large scale, or whether the development site is complex.

11.190 Title and Headings Not Regulation.

The title, chapter headings, and section and subsection headings, as used in this Master Program do not constitute regulation.

11.200 Severability.

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

11.210 Effective Date.

This Master Program shall take effect on _____ _____, 2001 and shall apply to new applications submitted on or after that date and to incomplete applications submitted prior to that date.