

TABLE OF CONTENTS

CHAPTER 3 POLICIES AND REGULATIONS FOR SPECIFIC SHORELINE USES, DEVELOPMENTS AND MODIFICATIONS 3-1

3.1 Agriculture 3-1

 3.1.1 Applicability 3-1

 3.1.2 Policies 3-1

 3.1.3 Regulations 3-1

3.2 Aquaculture 3-2

 3.2.1 Applicability 3-2

 3.2.2 Policies 3-2

 3.2.3 Regulations 3-3

3.3 Commercial and Industrial Development 3-9

 3.3.1 Applicability 3-9

 3.3.2 Policies 3-9

 3.3.3 Regulations 3-9

3.4 Forest Practices 3-11

 3.4.1 Applicability 3-11

 3.4.2 Policies 3-11

 3.4.3 Regulations 3-12

3.5 Mining 3-13

 3.5.1 Applicability 3-13

 3.5.2 Policies 3-13

 3.5.3 Regulations - Mining 3-13

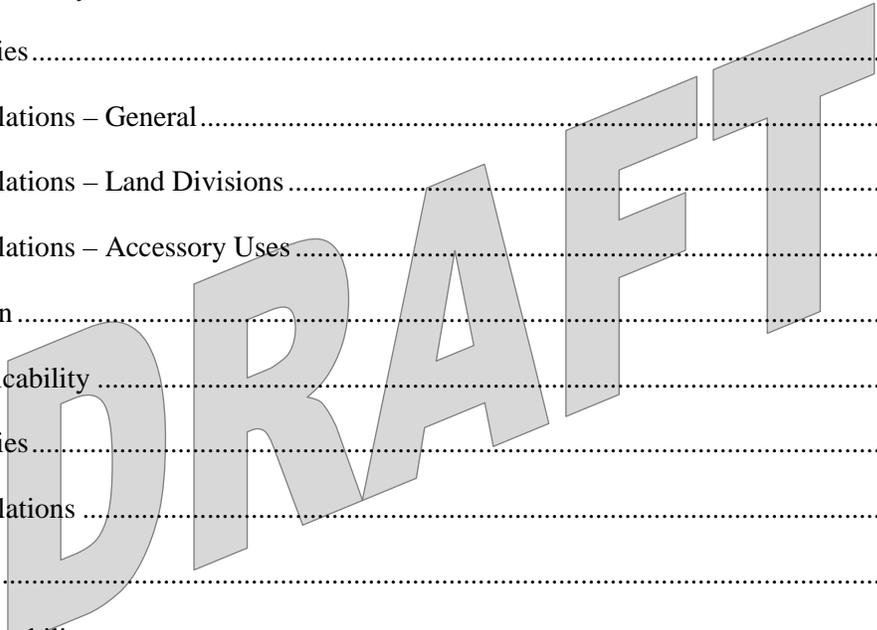
 3.5.4 Regulations - Mining on Marine and Lake Shorelines 3-14

 3.5.5 Regulations - Mining on River and Stream Shorelines 3-14

3.6 Parking 3-15

DRAFT

3.6.1	Applicability	3-15
3.6.2	Policies	3-15
3.6.3	Regulations	3-16
3.7	Recreation	3-17
3.7.1	Applicability	3-17
3.7.2	Policies	3-17
3.7.3	Regulations	3-18
3.8	Residential Development	3-19
3.8.1	Applicability	3-19
3.8.2	Policies	3-19
3.8.3	Regulations – General	3-20
3.8.4	Regulations – Land Divisions	3-21
3.8.5	Regulations – Accessory Uses	3-23
3.9	Restoration	3-23
3.9.1	Applicability	3-23
3.9.2	Policies	3-23
3.9.3	Regulations	3-23
3.10	Signs	3-24
3.10.1	Applicability	3-24
3.10.2	Policies	3-25
3.10.3	Regulations	3-25
3.11	Transportation	3-26
3.11.1	Applicability	3-26
3.11.2	Policies	3-26
3.11.3	Regulations – Design and Operation	3-26



3.12 Utilities.....3-29

- 3.12.1 Applicability3-29
- 3.12.2 Policies3-29
- 3.12.3 Policies – Dams and Hydroelectric Generating Facilities.....3-30
- 3.12.4 Regulations – General.....3-31
- 3.12.5 Regulations – Dams and Hydroelectric Generating Facilities3-33
- 3.12.6 Regulations – Electrical Energy and Communication Systems3-34
- 3.12.7 Regulations – Essential Public Facilities3-34
- 3.12.8 Regulations – Off-shore Wind Energy Systems3-34
- 3.12.9 Regulations – Oil, Gas, and Natural Gas Transmission.....3-35
- 3.12.10 Regulations – Sewage Systems.....3-36
- 3.12.11 Regulations – Solid Waste Facilities.....3-36
- 3.12.12 Regulations – Stormwater Facilities3-36
- 3.12.13 Regulations – Water Systems3-37

3.13 Beach Access Structures3-37

- 3.13.1 Applicability3-37
- 3.13.2 Policies.....3-37
- 3.13.3 Regulations3-38

3.14 Boating Facilities and Moorage3-39

- 3.14.1 Applicability3-39
- 3.14.2 Policies.....3-39
- 3.14.3 Regulations – Marinas3-40
- 3.14.4 Regulations – Boat Launches.....3-42
- 3.14.5 Regulations – Piers, Docks, and Floats, Non-residential3-43
- 3.14.6 Regulations – Piers, Docks, Floats, and Lifts, Accessory to Residential Development and Private Recreational Use.....3-44
- 3.14.7 Regulations – Mooring Buoys3-46

3.15 Dredging and Dredge Material Disposal3-47

 3.15.1 Applicability3-47

 3.15.2 Policies3-47

 3.15.3 Regulations – Dredging3-47

 3.15.4 Regulations – Dredge Material Disposal3-48

3.16 Floodplain Management and Flood Control Structures3-49

 3.16.1 Applicability3-49

 3.16.2 Policies3-49

 3.16.3 Regulations3-50

3.17 In-stream and In-water Structures3-52

 3.17.1 Applicability3-52

 3.17.2 Policies3-53

 3.17.3 Regulations3-53

3.18 Shoreline Stabilization3-55

 3.18.1 Applicability3-55

 3.18.2 Policies3-55

 3.18.3 Regulations – Existing Structural Shoreline Armoring.....3-56

 3.18.4 Regulations – Subdivisions and Existing Lots without Structures3-57

 3.18.5 Regulations – New or Expanded Shoreline Stabilization3-57

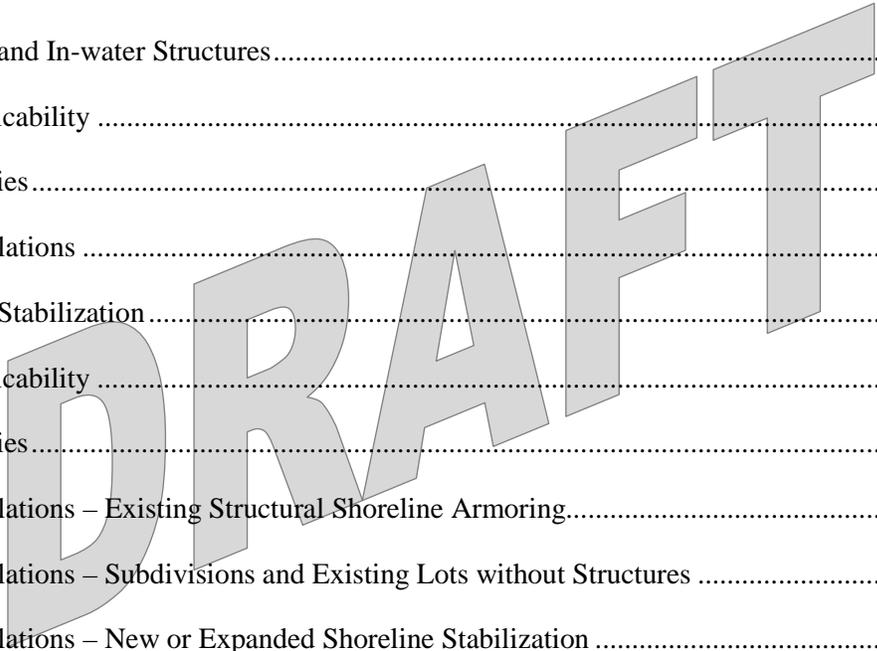
 3.18.6 Regulations – Design Standards for New or Expanded Shoreline Stabilization.....3-58

 3.18.7 Regulations – Bulkheads.....3-59

 3.18.8 Regulations – Revetments.....3-59

 3.18.9 Regulations – Breakwaters, Jetties, and Seawalls.....3-59

 3.18.10 Regulations – Application Requirements.....3-60



Chapter 3 Policies and Regulations for Specific Shoreline Uses, Developments and Modifications

Note to Users: This section describes the policies and regulations that apply to specific shoreline uses and developments as well as specific shoreline modifications. The regulations that apply to each parcel may vary depending on the Shoreline Environment Designation assigned to that parcel. A single development proposal may involve multiple uses and/or modifications and therefore may be subject to more than one set of policies and regulations. An example is a residential use that also involves construction of a private dock (a modification). The policies and regulations in this section are applied in addition to the general policies and regulations in Chapter 4. All of the uses described here are also subject to the County's zoning code requirements in Clallam County Code Title 33.

3.1 Agriculture

3.1.1 Applicability

New agricultural uses and developments, as defined in Chapter 7, on land not currently in agricultural use shall be consistent with the following policies and shall conform to the following regulations.

3.1.2 Policies

1. New agricultural use and development should be managed to avoid significant adverse impacts on other shoreline functions and values.
2. Existing and new agricultural uses are encouraged to use USDA Natural Resource Conservation Service and/or Clallam Conservation District best management practices to prevent erosion, runoff, and associated water quality impacts.
3. The County should review proposals for new agricultural developments to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between agricultural development and planned restoration

3.1.3 Regulations

1. In accordance with RCW 90.58.065, existing or ongoing agricultural activities occurring on agricultural lands shall not be regulated by this Program.
2. If an agricultural use is converted to other another type of use, the provisions of this Program for the proposed use shall apply.
3. New agricultural use / development on lands not meeting the definition of agricultural land may be allowed when it complies with this Program and all of the following:
 - a. Manure spreading shall be conducted in a manner that prevents animal wastes from entering water bodies or wetlands adjacent to water bodies.
 - b. Confinement lot, feeding operations, manure storage or stockpiles, and storage of noxious chemicals shall not be allowed within floodways, within the shoreline buffer, or within the buffer of any critical area within shoreline jurisdiction. Intentional discharge from any manure storage facility into groundwater or surface water shall be prohibited.

- c. A buffer of naturally occurring or planted woody vegetation shall be maintained between the shoreline and areas used for crops or intensive grazing. The width of the buffer on marine, river, and lake shorelines shall correspond to the standards in Table 2-3.
 - d. Bridges, culverts, and/or ramps shall be used to enable livestock to cross streams without damaging the streambed or banks.
 - e. Stock watering facilities shall be provided so that livestock do not need to access streams or lakes for drinking water.
 - f. Construction of new structures including residences, barns, sheds and similar buildings on agricultural lands shall conform to the requirements of this Program for such structures. Such structures shall adhere to the buffer requirements, height limits, and other regulations established by this Program.
 - g. In critical aquifer recharge areas, new agriculture or hobby farms shall use best management practices concerning animal keeping, animal waste disposal, fertilizer use, pesticide use, wastewater applications, and stream corridor management and seek the technical assistance of the Clallam County Conservation District and Cooperative Extension Agent.
 - h. Livestock access to wetlands or Type F, Np, Ns Waters and/or their associated buffers, or alteration of such areas for livestock use, shall be prohibited unless the Administrator finds that such access or alteration is minimal and the impacts are mitigated in accordance with an approved mitigation plan as specified in Section 4.4 of this Program. The Administrator may waive the need for a mitigation plan where the proponent implements a plan and/or project sponsored by the County, Clallam Conservation District, Natural Resources Conservation Service, Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or other agency/organization approved by the Administrator, which controls impacts caused by introduction of livestock.
4. New agricultural use / development on lands not meeting the definition of agricultural land shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.

3.2 Aquaculture

3.2.1 Applicability

Aquaculture uses and developments, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.2.2 Policies

1. Aquaculture is of statewide interest. Properly managed, it can result in long-term benefit and can protect the resources and ecology of the shoreline. Aquaculture is dependent on the use of the water area and is a preferred use of the water area when pollution is controlled and damage to the environment is prevented.
2. Aquaculture activities should be designed, located, and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes

3. Aquaculture uses/developments should be allowed when they have been evaluated and approved by state and federal agencies, when they incorporate measures to mitigate adverse effects on people and the environment and when they demonstrate that the use/development will not:
 - a. Materially and adversely disrupt important intracoastal or international navigation routes; or
 - b. Cause significant adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations; or
 - c. Cause significant adverse effects on critical saltwater or critical freshwater habitats.
4. Experimental aquaculture projects in water bodies should be limited in scale and duration until their effects can be adequately understood. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in Washington; and/or aquaculture that uses genera that have not previously been regularly cultivated in the state of Washington.
5. Commercial aquaculture operations that propagate non-native fish species should be discouraged unless these operations are conducted in upland systems, fully self-contained aquatic systems, or can be shown to present low risk of escapement, disease transmission, or significant waste-related environmental impacts.
6. Development accessory to aquaculture planting and harvesting should be located landward of shoreline buffers, unless it requires a location in, over, or adjacent to the water.
7. Cooperative arrangements between aquaculture growers and public recreation agencies are encouraged so that public use of public shorelines can be enhanced, where appropriate, and conflicts between public use of public shorelines and aquaculture operations is minimized or eliminated.
8. The enhancement or rehabilitation of water bodies and their adjacent habitat by public or private entities for purposes of increasing yields or production of aquaculture resources should be encouraged.
9. The County should review proposals for new aquaculture developments to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between aquaculture development and planned restoration.

3.2.3 Regulations

1. Aquaculture uses and developments shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management
2. When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial construction and/or planting of the facility or farm and shall not authorize unlimited expansion or modification to the proposed use/development. In accordance with RCW 90.58.143, if the initial approval is a shoreline substantial development permit, it shall be valid for a period of five (5) years with a possible extension of one (1) year. If the initial

approval is a conditional use permit, it shall be valid for the period specified in the permit. Were no construction activities are involved, the initial use or activity shall be commenced within two years of the effective date of a substantial development permit.

3. Ongoing maintenance, harvest, replanting, or changing the species cultivated in any existing or permitted aquaculture operation is not considered new use/development, and shall not require a new permit, unless or until:
 - a. The physical extent of the physical extent of the area of cultivation is expanded by twenty-five percent (25%) or more compared to the conditions that existed as of the effective date of this Program or any amendment thereto. If the amount of expansion exceeds twenty-five percent (25%) in any ten (10) year period, the entire operation shall be considered new aquaculture and shall be subject to applicable permit requirements of this section; or
 - b. The permit holder proposes to cultivate any genera that have not previously been regularly cultivated in Washington.
4. Aquaculture uses and activities involving hatching, seeding, planting, cultivating, raising and/or harvesting of planted or naturally occurring shellfish shall not be considered development, and shall not require a shoreline substantial development permit, unless:
 - a. The activity substantially interferes with normal public use of surface waters; or
 - b. The activity involves placement of any structures; or
 - c. The activity involves dredging using mechanical equipment such as clamshell, dipper, or scraper; or
 - d. The activity involves filling of tidelands or bedlands.
5. Activities shall not be considered to substantially interfere with normal public use of surface waters, unless:
 - a. They occur in, or directly adjacent to, public tidelands; and
 - b. They involve the use of floating ropes, markers, barges, floats, or similar apparatus on a regular basis and in a manner that substantially obstructs public access, or passage from public facilities such as parks or boat ramps; or they exclude the public from more than one (1) acre of surface water on an ongoing or permanent basis.
6. Aquaculture activities not listed or meeting the criteria above shall require a shoreline substantial development permit or conditional use permit as indicated in Table 2-2, and shall be subject to all of the following regulations:
 - a. Subtidal, intertidal, floating, and upland structures and apparatus associated with aquaculture use shall be located, designed, and maintained to avoid, minimize and otherwise mitigate adverse effects on ecological functions and processes.
 - b. Upland structures accessory to aquaculture use that do not have a functional relationship to the water shall be located landward of shoreline buffer in Table 2-3 and any critical area buffers as required in Section 4.3.

- c. Sleeping quarters and other work structures accessory to aquaculture use/development shall not be constructed in or over water. This regulation shall not preclude the use of moored watercraft for sleeping or work quarters when such moorage is consistent with this Program.
- d. Floating/hanging aquaculture structures and associated equipment shall not exceed six (6) feet in height above the water's surface. The Administrator may approve hoists and similar structures greater than six (6) feet in height when there is a clear demonstration of need. The six (6) foot height limit shall not apply to vessels.
- e. Abandoned or failed aquaculture equipment shall be removed from the water and/or the adjacent shoreline buffer area identified in Table 2-3.
- f. Aquaculture facilities, including fin fish facilities and facilities for floating/hanging aquaculture, shall use colors and materials that when viewed from the shoreline blend into the surrounding environment in order to minimize visual impacts. This regulation shall not apply to navigation aids.
- g. Aquaculture use and development shall not materially interfere with intracoastal or international navigation routes, or access to adjacent waterfront properties, public recreation areas, or Tribal harvest areas. Mitigation shall be provided to offset such impacts where there is high probability that significant adverse impact would occur consistent with section 4.4 of this Program. This provision shall not be interpreted to mean that an aquaculture operator is required to provide access across owned or leased tidelands at low tide for adjacent upland owners.
- h. Aquaculture use and development shall be sited so that scouring, shading and other significant adverse impacts to existing red/brown macroalgae (kelp) and eelgrass beds are minimized. In evaluating the potential for significant adverse impact, the Administrator shall also consider beneficial effects that shellfish species can have on water quality.
- i. Aquaculture use and development shall be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline, as required by WAC 173-26-241 (3)(b) (i)(C).
- j. Aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors or other methods that minimize disturbance to substrate.
- k. Where aquaculture use and development are authorized to use public facilities, such as boat launches or docks, the Administrator shall reserve the right to require the project proponent to pay a portion of the maintenance costs and any required improvements commensurate with the project proponent's use.
- l. Non-navigational directional lighting associated with aquaculture use and development shall be used wherever possible. The height of the light source above the water surface shall be the minimum necessary, not to exceed 80 inches, unless otherwise specified by State or federal requirements. Non-navigational lighting shall not adversely affect vessel traffic.

- m. Aquaculture waste materials and by-products shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).
7. Prior to approving a permit for a new aquaculture use or development, the Administrator may require, at his/her discretion, a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities of the shoreline. The analysis shall demonstrate that significant adverse impacts on the character of those areas are effectively mitigated.
8. Prior to issuing a permit for any proposed aquaculture use or development, the Administrator shall consider how the proposed activity is being regulated by other agencies and then establish the appropriate level of additional review. The Administrator may require, at his/her discretion, copies of permit applications and/or studies required by state and federal agencies to ensure provisions of this Program are met, including but not limited to, the following information:
 - a. Anticipated harvest cycles and potential plans for future expansion or change in species grown or harvest practices.
 - b. Number, types, and dimensions of structures, apparatus, or equipment.
 - c. Predator control methods.
 - d. Anticipated levels of noise, light, and odor and plans for minimizing their impacts.
 - e. Potential impacts to animals, plants, and water quality due to the discharge of wastewater from any upland development.
 - f. Proof of application for an aquatic lands lease from the Washington State Department of Natural Resources or proof of lease or ownership if bedlands are privately owned.
 - g. Department of Health Shellfish Certification Number.
 - h. Department of Fish and Wildlife commercial aquatic farm or non-commercial, personal consumption designation.
 - i. Proof of application for any permits required by the U.S. Army Corps of Engineers, Department of Health, or other agency.
9. The culture of finfish, including net pens as defined in Chapter 7, whether on land or in-water, may be allowed with a conditional use permit subject to the policies and regulations of this Program. Closed upland systems shall be preferred over in-water systems.
10. In evaluating conditional use proposals for in-water finfish aquaculture use/development the County shall consider the recommendations of the 1986 Interim Guidelines (Weston/SAIC), the 1986 Aquaculture Siting Study (EDAW Inc.), the 1988 Use Conflict Study (Boyce), and the 1990 Final Programmatic Environmental Impact Statement - Preferred Alternative (Parametrix) and any additional state-approved guidance. All proposals must be consistent with this section and meet the following specific criteria:

- a. Finfish aquaculture facilities shall employ best available control technologies and practices to prevent and minimize release of herbicides, pesticides, antibiotics, fertilizers, non-indigenous species, parasites, viruses, pharmaceuticals, genetically modified organisms, feed, or other materials known to be harmful into surrounding waters.
- b. The depth of water below the bottom of any in-water finfish aquaculture facility shall meet the minimum required by the 1986 Interim Guidelines (i.e., 20 to 60 feet), as based on facility production capacity (Class I, II or III) and the mean current velocity at the site, measured as noted in the Guidelines or by more current data/methodology.
- c. In-water finfish aquaculture operations shall be prohibited where mean current velocity is less than 0.1 knots (5 cm/sec).
- d. The pen configuration (e.g., parallel rows, compact blocks of square enclosures, or clusters of round enclosures) of any in-water finfish aquaculture facility shall be designed and maintained to minimize the depth and lateral extent of solids accumulation.
- e. The use of unpelletized wet feed shall be prohibited to minimize undigested feed reaching the benthos or attracting scavengers in the water column.
- f. In-water finfish aquaculture facility production capacity shall not exceed 1,000,000 pounds annual production per square nautical mile.
- g. When necessary, vaccination is preferred over the use of antibiotics. Only FDA-approved antibiotics shall be used and such use shall be reported to the State as required. Operator shall take all necessary precautions to ensure that nearby sediments and shellfish do not accumulate significant amounts of antibiotics.
- h. All in-water finfish aquaculture facilities shall be located to avoid significant adverse impacts on critical saltwater and critical freshwater habitats. When water depth is less than 75 feet, locate at least 300 feet down-current and 150 feet in all other directions from critical habitats. When water depth is greater than 75 feet, locate at least 150 feet from critical habitats.
- i. In-water finfish aquaculture facilities shall comply with existing State and federal regulations to ensure importation of new and/or non-native species does not adversely affect existing and/or native species.
- j. In compliance with State and federal requirements, in-water finfish aquaculture facilities that propose to culture species native to local waters should use stocks with the greatest genetic similarity to local stocks.
- k. When there is increased risk of interbreeding or establishment of naturalized populations of the cultured species that would in conflict with native stocks, only sterile or mono-sexual fish shall be allowed.
- l. In-water finfish aquaculture facilities shall locate sufficiently distant from river mouths where wild fish are known to be most vulnerable to genetic degradation, as determined on a case-by-case basis with State guidance.
- m. In-water finfish aquaculture facilities shall comply with State and federal requirements to control pests, parasites, diseases, viruses and pathogens and to prevent escapement including, but not limited to, those for certified eggs, approved import/transport and live

fish transfer protocols, escapement prevention, reporting and recapture plans, and disease inspection and control per RCW 77.15.290, RCW 77.115, WAC 220-76 and WAC 220-77 and other requirements as appropriate. The use of regional broodstock is preferred.

- n. In-water finfish aquaculture facilities shall locate offshore a minimum of 1,500 feet from ordinary high water mark, or a minimum of 2,000 feet when higher density residential development is present along the adjacent upland.
 - o. Facilities shall be designed and located so that the surface area of individual operations does not exceed 2 acres of surface coverage and no more than one operation per square nautical mile.
 - p. In-water finfish aquaculture facilities shall provide estimates of high, average, and low volumes of waste to be produced, including catastrophic events.
 - q. The Administrator, at his/her discretion, may require the applicant to provide baseline and periodic surveys, assessments, and/or operational monitoring by a qualified consultant to determine the magnitude of any significant adverse impacts. Conditional use permits shall include specific performance measures and provisions for adjustment or termination of the project if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.
11. All in-water finfish aquaculture facility proposals shall submit to the County an operations plan that includes projections for:
- a. Improvements at the site (e.g. pens, booms, etc.) and their relationship to the natural features (e.g. bathymetry, shorelines, etc.);
 - b. Number, size and configuration of pens/structures;
 - c. Species cultured;
 - d. Fish size at harvest;
 - e. Annual production;
 - f. Average and maximum stocking density;
 - g. Source of eggs, juveniles, and broodstock;
 - h. Type of feed used and feeding methods;
 - i. Chemical use (e.g. antifouling, antibiotics, etc.); and
 - j. Predator control measures.

3.3 Commercial and Industrial Development

3.3.1 Applicability

Commercial and Industrial development and use, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.3.2 Policies

1. Commercial and industrial use and development should be located outside of shoreline jurisdiction unless the use/development is water-dependent or water-related. When allowed, the scale and degree of disturbance associated with the commercial and industrial use/development should be minimized.
2. Commercial and industrial use and development should be located and designed to be compatible with adjoining non-commercial/industrial uses in terms of noise, aesthetics, scale and other factors.
3. New commercial and industrial uses located in the shoreline should provide public access unless public access would create a significant ecological impact, a human health or safety hazard or is otherwise infeasible due to inherent constraints of the property.
4. Proponents of commercial and industrial development are encouraged to restore impaired shoreline ecological functions and processes as part of their development proposal.
5. The County should review proposals for new commercial and industrial developments to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the proposed development and planned restoration.

3.3.3 Regulations

1. To avoid significant adverse impacts on shoreline functions and processes and protect properties from hazards, commercial and industrial uses and developments shall comply with:
 - a. The buffer requirements of Section 4.2; and
 - b. The critical area requirements of Section 4.3; and
 - c. The mitigation and no net loss requirements of Section 4.4; and
 - d. The clearing, grading and filling requirements of Section 4.5; and
 - e. The public access requirements of Section 4.6; and
 - f. The water quality requirements of Section 4.7.
2. To avoid significant adverse impacts on Archeological, Historical and Cultural Resources, commercial and industrial uses and developments shall comply with the applicable provisions of Section 4.1 of this Program.
3. A water-oriented commercial or industrial use or development may be allowed consistent with Table 2-2 when the project proponent demonstrates that it will not have a significant adverse

- impact on shoreline ecological functions or processes, adjacent shoreline uses, navigation, recreation or public access.
4. Components of an approved commercial or industrial use or development that are water-dependent or water-related may be allowed within the shoreline buffer provided that the amount of buffer encroachment and disturbance are the minimum needed to accommodate the water-dependent or water-related component and provided further that the use/development:
 - a. Is located in pre-existing disturbed areas with low habitat value or within the 'active use' area prescribed in subsection 4.2.3.3; and
 - b. Will not impact a geologically hazardous area; and
 - c. Uses low impact development techniques to minimize adverse effects on water quality and habitat; and
 - d. Complies with all other requirements of this Program.
 5. To ensure consistency with subsection 3.3.3.4 above, the Administrator shall determine whether and how much water-dependent or water-related use/ development to allow in the buffer on a case-by-case basis by considering all of the following factors:
 - a. The type and intensity of the proposed use; and
 - b. The size and configuration of the parcel and the ability to locate structures and other facilities outside the buffer; and
 - c. The amount of native vegetation that would be cleared/removed; and
 - d. The sensitivity of the aquatic habitat to the disturbances caused by the proposed use; and
 - e. The ability of the proponent to offset unavoidable impacts through compensatory mitigation on-site or at an appropriate off-site location.
 6. All commercial and industrial uses and development shall be prohibited within shoreline areas designated Natural.
 7. Construction of over-water commercial or industrial structures shall be prohibited, provided this prohibition does not preclude the development of docks, boat launch ramps, or other river/marine access facilities that are consistent with the intent of this Program and necessary for the operation of an associated water-dependent commercial or industrial use.
 8. A use or development shall not be considered water-dependent, water-related or water-enjoyment until the Administrator determines that the proposed design, layout and operation of the use/development meet the definition and intent of the water-dependent, water-related or water-enjoyment designation.
 9. To ensure that water-oriented commercial uses have priority along shorelines, non-water-oriented commercial or industrial uses shall not be allowed unless they meet the following criteria:

- a. The use is part of a mixed-use project that includes an associated water-dependent use and provides a significant public benefit by providing public access or restoring / enhancing the shoreline environment to improve ecological functions and processes. The Administrator shall determine the type and extent of access or restoration on a case-by-case basis according to the opportunities and constraints provided by the site. The Administrator may waive or modify the requirement to provide public access and/or restoration when the size of the parcel and/or the presence of adjacent uses preclude restoration or enhancement of shoreline ecological functions. In such cases, where on-site access or restoration/enhancement is not feasible, equivalent off-site access or restoration/enhancement shall be provided consistent with the policies and regulations of this Program; or
 - b. The site is physically separated from the water by another property in separate ownership or a public right-of-way; or
 - c. The site is located on a water body that is non-navigable or where navigability is severely limited.
10. Existing non-water-dependent and non-water-related commercial or industrial use or development on shorelines that conform to this Program may be permitted to expand landward but not waterward of existing structures provided the expansion otherwise conforms to this Program.
 11. Encroachment onto a public beach by a commercial or industrial development is prohibited.
 12. To preserve shoreline views, commercial and industrial structures shall comply with the height requirements of Clallam County Code Title 33 Zoning.
 13. Construction of commercial, industrial or any publicly owned buildings within a seismic hazard area shall require a geotechnical report by a qualified geotechnical engineer or engineering geologist licensed in the State of Washington in accordance with Section 4.3.14 of this Program. The results or conclusions of the evaluation shall be considered a condition of development approval.

3.4 Forest Practices

3.4.1 Applicability

Forest practices, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.4.2 Policies

1. Forest practices are essential to the County's long-term economic health. Forest lands should be reserved for long-term forest management and uses that are compatible with forest management.
2. To be consistent with WAC 173-26-241(3)(C), the Administrator should rely on the Forest Practices Act (RCW 76.09), its implementing rules, and the 1999 Forest and Fish Report as adequate management of commercial forest uses within shoreline jurisdiction, unless or until those lands are converted to non-forest uses.

3. Forest practices should maintain natural surface and groundwater movement patterns and protect the quality of surface and groundwater.
4. Forest practices should minimize damage to fish and wildlife species and terrestrial, wetland, and aquatic habitats.
5. Forest practices should maintain or improve the quality of soils and minimize erosion.
6. Where slopes are steep or soils are subject to sliding, erosion, or high water table, special practices should be employed to minimize damage to shorelands and water bodies, and adjacent properties.

3.4.3 Regulations

1. Timber harvesting and forest practices activities that do not meet the definition of development shall be conducted in accordance with the Washington State Forest Practices Act (RCW 76.09), WAC 222, and the 1999 Forest and Fish Report, and any regulations adopted pursuant thereto. Such practices shall not be regulated by this Program and shall not require a shoreline permit or statement of exemption, except for the following activities:
 - a. Selective commercial timber cutting on shorelines of statewide significance shall not exceed thirty (30%) of the merchantable trees in any ten (10) year period, as required by RCW 90.58.150. The Administrator may allow exceptions to the thirty percent (30%) limit with a conditional use permit in accordance with WAC 173-26-241(3)(e).
 - b. Other activities associated with timber harvesting, such as filling, excavation, and building roads and structures, that meet the definition of development, shall require a shoreline substantial development permit or conditional use permit, as specified in Table 2-3 of this Program. Such activities shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management
2. Conversion of forest land to non-forestry uses (Class IV Conversion Forest Practices Permit) shall be reviewed in accordance with the provisions for the proposed non-forestry use and the general provisions in Chapter 4 and shall be subject to any permit requirements associated with the non-forestry use.
3. Those lands harvested and not reforested under a Class I, II, or III Forest Practices permit and which do not meet the standards of this Program and are later converted to non-forest uses shall have all local permits withheld for a period of six (6) years, as authorized by the Forest Practices Act. This moratorium shall run with the land and be duly noted in the public record. The conversion of land to non-forest uses shall mean the division of land or the preparation of land for land division or construction. Should a landowner wish to remove the moratorium or convert the land to non-forest uses, the owner shall:
 - a. Reforest the land as prescribed by the Department of Natural Resources and/or provide stabilization and protection of the area in a manner approved by Clallam County in accordance with this Program. Said reforestation shall be by planting and not by natural regeneration, unless the Department verifies that natural regeneration has already occurred to such an extent that planting is not necessary. Provide stabilization and protection through drainage and erosion control measures; and

- b. Submit and have approved by the Administrator a conversion harvest plan. The approval of said plan may include conditions and improvement requirements to control erosion, protect or enhance the shoreline critical area or buffer, or other conditions which are intended to reduce significant adverse impacts.

3.5 Mining

3.5.1 Applicability

Mining uses and developments, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.5.2 Policies

1. The potential economic benefits provided by mining should be balanced with the goal of protecting shoreline ecological functions. New mining activity should not be allowed in areas where the ecological damage would be significant and/or could not be offset through effective mitigation or restoration measures.
2. Mining should be located and conducted to minimize disruption to the natural shoreline character, resources and ecology, and to avoid net loss of ecological functions in accordance with this Program and other applicable laws.
3. Areas that are mined should be promptly restored, following completion of the mining activities, to semi-natural or other useful condition through a reclamation process.
4. Mining should not interfere with existing public access or recreation on the shoreline.
5. Mining operations should be located, designed, and managed so that adjoining properties do not experience significant adverse impacts from noise, dust, or other effects of the operation.
6. The County should review proposals for new mining to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between mining and planned restoration.

3.5.3 Regulations - Mining

1. All mining activities shall be conducted to ensure compliance with the Washington State Surface Mining Act (RCW 78.44) and with the no net loss provisions of this Program. The determination of whether there will be no net loss of ecological functions shall be based on an evaluation of the reclamation plan required for the site and shall consider impacts on ecological functions during operation.
2. Mining activities shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
3. All new mining uses and developments shall be prohibited on shorelines designated Natural.

4. When mineral extraction is allowed by this Program, associated mineral processing activities shall take place outside of shoreline jurisdiction, unless no feasible location outside of shoreline jurisdiction exists.
5. No materials (such as mining overburden, debris, and tailings) or equipment shall be placed in water bodies, critical areas, or floodways and shall be stored to prevent erosion or seepage to surface and groundwaters.
6. To minimize noise, dust, vibration, glare, and other adverse impacts, a buffer of at least one hundred (100) feet wide shall be maintained between any mining facilities/sites, and adjacent properties not used for mining operations. The buffer shall consist of undisturbed soils and vegetation and shall only include land owned or leased by the mine operator.
7. Following mining, disturbed shoreline areas shall be reclaimed to provide appropriate ecological processes and functions consistent with the setting. Approved reclamation programs shall be initiated within sixty (60) days following the completion of the mineral extraction operations, in consultation with the Washington Department of Natural Resources.
8. When reviewing mining proposals, the Administrator shall first consider how the proposed activity has been regulated by other agencies, note same as a reference, and then establish whether the mining project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation. The Administrator may require information to ensure the proposal is consistent with the policies and regulations of this Program.

3.5.4 Regulations - Mining on Marine and Lake Shorelines

1. Mining of sand, gravel, cobbles, or boulders from any marine or lake waterbody or adjacent shoreland is prohibited.
2. Mining of quarry rock from any marine or lake waterbody or adjacent shoreland may be permitted as a conditional use as indicated in Table 2-2 provided that shoreline processes and resources are not adversely affected.

3.5.5 Regulations - Mining on River and Stream Shorelines

1. Mining within the active channel or channels (a location waterward of the ordinary high-water mark) of a river may be permitted as a conditional use when consistent with this Program and the following:
 - a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and
 - b. The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.
2. Specific studies accompanying applications for in-river mining shall demonstrate that no adverse flood, erosion, or other environmental impacts occur either upstream or downstream of extraction sites. Mining extraction amounts, rates, timing, and locations shall be based on a scientifically determined sediment budget adjusted periodically according to data provided by a regular monitoring plan.

3. Aggregate washing and ponding of wastewater are prohibited in floodways.
4. Storage of mining equipment or materials within the FEMA floodway is prohibited during the flood season (November 1 through March 1); provided that temporary stockpiling is permitted during working hours if all such materials are removed from the floodway at the end of each day's operation.
5. All applicable permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife, shall be obtained prior to commencement of any mining activity and all applicable provisions attached thereto shall be adhered to.
6. Open pit mining may be permitted in a floodplain as a conditional use when consistent with this Program and when all of the following criteria are met:
 - a. All pits and other operations should be located outside of the channel migration zone.
 - b. All pits of each operation should be located and excavated to a depth to function as a self-flushing chain of lakes whenever the pits are overtopped by floods in order to prevent eutrophication and fish entrapment.
 - c. The entire operation should be sized and designed so that additional bank erosion, catastrophic changes in channel location, or significant adverse impact to fish resources or water quality will not likely result in the long term.
 - d. The scale and mode of operation will not have significant adverse impacts on fish resources, water quality, and recreation resources, nor adversely impact a stream's natural capacity to erode, shift, accrete, and/or flood.
 - e. All equipment, works, and structures are designed to withstand flooding without becoming a hazard in themselves nor causing adverse effects on shore features, without the necessity for shore stabilization structures.
 - f. All structures or equipment which are not flood-proofed shall be located outside of the 100-year floodplain during the flood season (November 1 through March 1); provided that such equipment is permitted during daily operations.
7. Overburden or other mining spoil or non-putrid solid wastes shall comply with the fill policies of this Program, and be disposed of in an approved manner to protect shoreline ecological functions and processes, other uses, and aesthetic values.

3.6 Parking

3.6.1 Applicability

Parking facilities, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.6.2 Policies

1. Parking facilities should be located outside of the shoreline jurisdiction whenever feasible.
2. Parking in shoreline areas should be limited to that which directly serves a permitted shoreline use.

3. Parking facilities should be located and designed to minimize stormwater impacts and other adverse environmental impacts to water quality, vegetation, and habitat.
4. Parking areas should be planned to achieve optimum use. Where feasible, parking areas should serve more than one use (e.g., recreational use on weekends, commercial use on weekdays).
5. The County should review proposals for new parking facilities to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the parking facility and planned restoration.

3.6.3 Regulations

1. Parking facilities shall only be allowed in shoreline jurisdiction when necessary to support an authorized use and where the proponent can demonstrate that there are no feasible locations away from the shoreline.
2. Parking as a primary use shall be prohibited in all shoreline designations.
3. All overwater parking facilities shall be prohibited in all shoreline designations.
4. Parking facilities shall be prohibited in shorelines designated Natural.
5. If allowed within shoreline jurisdiction, parking facilities shall be located landward of shoreline buffers identified in Table 2-3.
6. Parking facilities shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
7. Parking facilities shall be designed and located to minimize adverse impacts upon aquatic habitats and abutting properties. Parking areas shall be screened from adjacent land uses by landscaping, undeveloped space, or structures associated with the authorized primary use to the maximum practicable extent. Landscaping for parking facilities shall consist of Administrator-approved vegetation planted prior to completion of the parking area. Landscape plantings shall be selected, planted, and maintained to provide effective screening within three (3) years of project completion and through maturity of the species.
8. Parking facilities shall require that any required lighting be screened from the aquatic areas, shorelines, associated wetlands, and required buffers.
9. Parking facilities shall be developed using low impact development techniques such as permeable pavement or bioswales when conditions are appropriate for and conducive to such techniques.
10. 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 is adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.

11. Parking facilities shall be provided with measures 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.

3.7 Recreation

3.7.1 Applicability

Recreation use and development, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.7.2 Policies

1. The need to accommodate water-oriented recreational development should be balanced with the need to protect shoreline resources including native vegetation, substrates, water quality, and fish and wildlife species and habitats.
2. Recreational developments should facilitate appropriate use and enjoyment of shoreline resources while also conserving them.
3. Recreational development should incorporate educational information and displays about the shoreline environment and the effects of human actions on shoreline ecological functions and processes.
4. Recreational facilities should only be located within shoreline jurisdiction when they support a water-oriented recreational use. Non-water-oriented recreational facilities should be prohibited in ecologically intact shorelines and should be located landward of the shoreline buffer in Table 2-3 of this Program.
5. Recreational developments should be designed to minimize the need for clearing and grading. Utilities and roads should not be located or expanded in areas where damage to persons, property, and/or shoreline functions or processes is likely to occur.
6. Recreational developments and plans should provide a varied and balanced choice of recreation experiences in appropriate locations. Public agencies and private developers should coordinate their plans and activities to provide a wide variety of recreational opportunities without duplicating facilities.
7. Trail links between shoreline parks and public access points should be provided for walking, horseback or bicycle riding, and other non-motorized access where appropriate.
8. Cooperative efforts among public and private persons toward the acquisition and/or development of suitable recreation sites or facilities should be explored to assure long-term availability of sufficient public sites to meet local recreation needs.
9. The County should review proposals for new recreational developments to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the recreational development and planned restoration.

3.7.3 Regulations

1. Recreational developments may be allowed when they are consistent with this Program and when the proponent demonstrates that:
 - a. They provide opportunities for substantial numbers of people to reach, view and enjoy shoreline water bodies; and
 - b. They are located, designed and operated in a way that minimizes adverse impacts on native vegetation, substrates, water quality, and fish and wildlife species and habitats.
2. Recreational use and development shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water.
3. Components of an approved recreational use or development that are water-dependent or water-related may be allowed within the shoreline buffer provided that the amount of buffer encroachment and disturbance are the minimum needed to accommodate the water-dependent or water-related component and provided further that the use/development:
 - a. Is located in pre-existing disturbed areas with low habitat value or within the 'active use' area prescribed in subsection 4.2.3.3; and
 - b. Will not impact a geologically hazardous area; and
 - c. Uses low impact development techniques to minimize adverse effects on water quality and habitat; and
 - d. Complies with all other requirements of the Program.
4. To ensure consistency with subsection 3.7.3.3 above, the Administrator shall determine whether and how much water-dependent or water-related recreational development to allow in the buffer on a case-by-case basis by considering all of the following factors:
 - a. The type and intensity of the proposed recreational use; and
 - b. The size and configuration of the parcel and the ability to locate structures and other facilities outside the buffer without significantly diminishing the recreational experience; and
 - c. The amount of native vegetation that would be cleared/removed; and
 - d. The sensitivity of the aquatic habitat to the disturbances caused by the proposed use; and
 - e. The ability of the proponent to offset unavoidable impacts through compensatory mitigation on-site or at an appropriate off-site location.
5. Where appropriate, recreational development proposals shall include provisions for non-motorized access to the shoreline from both the uplands and the water (e.g., pedestrian paths, bike paths, and boat launches/landings).

6. Recreational use of motor vehicles including unlicensed off-road vehicles is permitted only on roads or trails specifically designated for such use. Recreational motor vehicle use on beaches is prohibited. Recreational motor vehicles may not be used in wetlands, streams or other aquatic areas below the ordinary high water line. This regulation does not apply to motorized watercraft.
7. Recreational facilities with more than seven thousand (7,000) square feet of clearing and grading or two thousand (2,000) square feet or more of impervious surface shall incorporate means to prevent erosion, control the amount of runoff, and prevent harmful concentrations of chemicals and sediments from entering water bodies in accordance with the clearing, grading and filling (Section 4.5) and water quality (Section 4.7 sections of this Program.
8. Recreational facilities shall use signs, fences and vegetative screens to protect adjacent private properties and natural areas from trespass, overflow and other possible adverse impacts.
9. Signs indicating the public's right to access public shoreline recreation areas/facilities shall be installed and maintained in conspicuous locations at points of access and entry.
10. When a public recreation site abuts private property/tidelands, signs and other similar markers shall indicate geographic limits of public access to minimize conflicts with adjacent use/development.
11. Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal, and recycling commensurate with the intensity of the proposed use.
12. Private recreational facilities accessory to a residential use such as swimming pools and ball courts shall be prohibited in wetlands and may not be approved via a shoreline conditional use permit or shoreline variance.

3.8 Residential Development

3.8.1 Applicability

Residential development and uses and improvements that are accessory to residential development, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.8.2 Policies

1. The goal of accommodating single-family residential development along shorelines should be balanced with the need to protect ecological functions and processes.
2. New residential use and development should be planned, designed, and located to minimize adverse impacts on fish and wildlife species and habitat, vegetation, and water quality; to maintain slope and soil stability; and to preserve views of the shoreline from nearby upland vantage points.
3. Construction of new residential developments in areas subject to flooding, channel migration, erosion, landslides and other natural hazards is discouraged. Property owners who elect to build in identified hazard areas should not assume that their properties will be protected in the future if doing so would cause unmitigated adverse effects on shoreline functions and processes.

4. Low impact development practices and clustering of dwelling units and accessory structures should be implemented as appropriate to preserve natural shoreline features, minimize stormwater runoff, and reduce utility and road construction and maintenance costs.
5. Creation of new residential lots through land division should be designed, configured and developed to minimize impacts to ecological functions and processes, even when all lots are fully built out.
6. The County should review proposals for new residential developments to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between residential development and planned restoration.

3.8.3 Regulations – General

1. To avoid significant adverse impacts on Archeological, Historical and Cultural Resources residential use and development shall comply with the applicable provisions of section 5.1 of this Program.
2. To avoid significant adverse impacts on shoreline functions and processes and protect residential properties from hazards, residential use and development shall comply with:
 - a. The shoreline buffer requirements of Section 4.2; and
 - b. The critical area requirements of Section 4.3, including critical area buffer requirements prescribed therein; and
 - c. The mitigation and no net loss requirements of Section 4.4; and
 - d. The clearing, grading and filling requirements of Section 4.5; and
 - e. The water quality requirements of Section 4.7.
3. The shoreline buffer requirements in Table 2-3 of this Program apply to residences and all residential development, except that docks, floats, and pedestrian beach access structures and other water-dependent and water-related structures accessory to residential use may be permitted to encroach into the buffer in accordance with the applicable provisions of this Program. Residential uses/ development may also be subject to additional buffers due to presence of wetlands, Type F, Np and Ns streams, habitats for federally listed threatened or endangered species, or landslide hazard areas as prescribed in Section 4.2.3
4. Within the Resource Conservancy and Natural environments, new residential use and development shall be located outside of mapped channel migration zones on all existing lots where there is a buildable area outside of the channel migration zone. If a buildable area does not exist outside of the channel migration zone, new residential use and development shall be located as far landward within the channel migration zone is as feasible, and shall, at a minimum, meet the safety buffer requirements in Section 4.2, and Table 2-3.
5. Residential dwelling units, including accessory dwelling units, shall not be constructed in, over, or on the water or below the ordinary high water mark of any shoreline of the state.
6. New floating homes shall be prohibited. Floating homes legally established prior to January 1, 2011, shall be classified as a conforming preferred use. Repair, replacement, and remodeling of existing floating homes shall be allowed.

7. New residential development shall be located and designed to avoid the need for structural stabilization and flood control structures for the expected life of the structure, which is assumed to be 75 years. This shall not be interpreted to prohibit bulkheads in existing subdivisions and other partially developed high-density residential developments where the lot depth precludes conformance with the required buffers and setbacks.
8. To preserve shoreline views, residential structures shall comply with the height requirements of Clallam County Code Title 33 Zoning. The maximum height above average grade level of any residential structure shall not exceed thirty-five (35) feet.
9. New residential developments shall comply with the utility provisions in Sections 3.12.10, 3.12.12 and 3.12.13 and the applicable provisions of Section 3.12.4 of this Program.
10. Access to new residential developments shall comply with the applicable transportation provisions in Section 3.11.3 of this Program.

3.8.4 Regulations – Land Divisions

1. Marine Waterfront and Shoreline Residential-Intensive Designations – New residential lots created through land division may be allowed in the Marine Waterfront, Shoreline Residential-Intensive, Shoreline Residential-Conservancy designations provided that the following criteria are met:
 - a. New lots shall be consistent with lot configuration requirements established by Clallam County Code Title 33, Zoning, as applicable, provided that new lots comply with the critical area requirements in Section 4.3.3 (10) of this Program; and
 - b. Proposals for new lots created within mapped channel migration zones shall require a geotechnical evaluation to ensure that all new lots provide building sites outside of the established channel migration zone; and
 - c. Structural shore armoring or flood control structures will not be required to create the lots; and
 - d. The new lots will not require structural shoreline stabilization or flood control measures during the useful life of the development or seventy-five (75) years, whichever is greater; and
 - e. No structures are proposed within the required shoreline buffer or critical area buffer, unless specifically allowed in Sections 4.2 and 4.3; and
 - f. Regulated wetlands and wetland buffers may be included in the calculation of minimum lot area for proposed lots provided that other standards of this Program are met. Only fifty percent (50%) of the permanent open water area of regulated wetlands shall be used in calculating minimum lot area as required by Clallam County Code Title 33, Zoning, for the proposed lots. This provision shall not apply to the calculation of maximum residential density.
 - g. Land below the ordinary high water mark of Type F, Np, Ns Waters shall not be permitted for use in calculating minimum lot area for the proposed lots.
 - h. Land divisions in critical aquifer recharge areas shall be evaluated for their impact on groundwater quality. The following measures may be required by the Administrator as a

part of the review of the proposed land division based on site conditions after consideration of available data:

- i. An analysis of the potential nitrate loading to the groundwater shall be required to assess the impact on groundwater quality.
 - ii. Alternative site designs, alternative sewage disposal system design (e.g., denitrification), phased development and/or groundwater quality monitoring shall be required to reduce contaminant loading where site conditions indicate that the proposed action will measurably degrade groundwater quality.
 - iii. Open spaces shall be required on development proposals overlying areas highly susceptible to groundwater contamination.
 - iv. Community/public water systems and community drainfields shall be required where site conditions indicate a high degree of potential contamination to individual wells from on-site or off-site sources.
- i. Site work does not create significant erosion or landslide hazard or reduce slope stability.
2. Shoreline Residential-Conservancy, Resource Conservancy and Natural Designations – New residential lots created through land division may be allowed in the Shoreline Residential-Conservancy, Resource Conservancy and Natural designations provide that all of the requirements in Subsection 3.8.4.1 and the following are met:
 - a. The minimum lot frontage shall be one-hundred fifty (150) feet; and
 - b. The shoreline buffer areas prescribed in Section 4.2 and Table 2-3 shall be placed in a dedicated open space tract, easement or covenant encumbering the buffer for either the use and enjoyment by the general public, use and enjoyment by lot or parcel containing a portion of all of the critical or buffer area, or the use of a homeowners' association. Such dedication or easement shall be recorded together with the land division and shown on the final plat.
3. New residential lots shall also demonstrate the following:
 - a. Adequate sewer, water, access, and utilities can be provided at the time of final plat or short plat approval subject to the requirements of Clallam County Code Title 29 Subdivisions.
 - b. The intensity and type of development is consistent with the Clallam County Comprehensive Plan and the associated development regulations set forth in Clallam County Code Title 33.
 - c. Potential significant adverse environmental impacts can be avoided or mitigated to achieve no net loss of ecological functions.
4. New residential subdivisions of more than four (4) units or lots shall include a restriction on the face of the plat prohibiting individual beach access structures. Shared access structures may be permitted in these subdivisions when consistent with the provisions of this Program.

3.8.5 Regulations – Accessory Uses

1. Accessory structures and uses may be permitted when the primary residential use is allowed pursuant to, and only when, other provisions of this Program are met.
2. A shoreline substantial development permit or conditional use permit shall be required for all accessory development that is not considered a normal appurtenance.
3. Accessory dwelling units shall be prohibited in wetlands and channel migration zones.

3.9 Restoration

3.9.1 Applicability

Restoration, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.9.2 Policies

1. Restoration should be used to complement and not take the place of the shoreline protection strategies required by this Program to achieve the greatest overall ecological benefit.
2. Clallam County should support voluntary and cooperative restoration efforts between local, state, and federal public agencies, Tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.
3. Restoration actions should improve shoreline ecological functions and processes as well as shoreline features and should promote sustainability of sensitive and/or regionally important plant, fish, and/or wildlife species and their habitats.
4. Restoration should be integrated with and should support other natural resource management efforts in Clallam County and in the greater Puget Sound region.
5. The County should minimize policy and regulatory barriers to ecological restoration and where feasible provide incentives to encourage voluntary restoration projects.

3.9.3 Regulations

1. Restoration shall be carried out in accordance with a County or resource agency-approved restoration plan and in accordance with the policies and regulations of this Program.
2. Restoration projects shall be monitored and maintained to ensure they achieve their intended restoration goals. The project proponent shall assess and document each restoration project according to the requirements prescribed by the applicable authorizing or funding agency. The project proponent shall be responsible for implementing corrective actions as needed to ensure the project's ecological benefits are sustainable over time.
3. The Administrator shall track and document shoreline restoration efforts and their expected and actual contribution to shoreline ecological functions on a regular and ongoing basis as part of demonstrating whether no net loss is being achieved.
4. The Administrator, at his/her discretion, may waive review requirements fees for shoreline enhancement projects that meet either of the following criteria:

- a. Sponsored Projects: Enhancement projects sponsored by Clallam County, Washington Department of Fish and Wildlife, Clallam Conservation District, Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources, or other public agency approved by the Administrator which are consistent with the County Comprehensive Plan, Sequim Bay Watershed Management Plan, Dungeness Watershed Area Management Plan, Port Angeles Watershed Management Plan, Sequim-Dungeness Groundwater Protection Strategy, County floodplain management plans, and other plans adopted by the County Board of Commissioners.
 - b. Vegetation Planting/Removal: Planting of native vegetation or removal of non-native species for the enhancement of a shoreline buffer or designated critical area; provided that such activities are performed are limited to the area being enhanced; provided further that watering of newly planted vegetation is provided to ensure plant establishment. Vegetation Planting and Removal on landslide hazard areas shall require approval of a mitigation plan in accordance with Section 4.4 of this Program.
5. Fish Habitat or Passage Improvement Projects: The expedited permit process set forth by Second Substitute House Bill 2879 (Chapter 249, Laws of 1998) for fish habitat or passage improvement projects, including stabilization and relocation proposals that qualify as fish habitat or passage improvement projects, is hereby adopted by Clallam County. This process sets forth a requirement that the applicant notify Clallam County of the request for a permit waiver of a certificate of compliance or other permit approval and any associated permit fees for those projects which qualify for this waiver. The request shall be in the form of a Joint Aquatic Resources Permit Application (JARPA). Qualified projects must meet the criteria set forth by the legislation which shall include any County-sponsored projects.
- a. Clallam County shall use the JARPA form as an alternative shoreline exemption permit application form for fish habitat or passage improvement projects.
 - b. Upon receipt of an application deemed to be qualified by Washington State Department of Fish and Wildlife, the Administrator shall provide comments within fifteen (15) days to the Department of Fish and Wildlife and also the applicant. These comments shall include whether or not the proposal is consistent with this Program and adopted watershed plans, flood management or reduction plans, and other applicable plans, as they apply.
 - c. Any fish enhancement or passage improvement project that is constructed or completed without obtaining comments from the Administrator in accordance with Chapter 249, Laws of 1998, shall be deemed a violation of this Program and Chapter 35.01 Clallam County Code. Such projects are subject to violation and enforcement procedures set forth by said regulations.

3.10 Signs

3.10.1 Applicability

Signs, including on-premises and off premises signs, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.10.2 Policies

1. Signs should be located, designed, and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.
2. Sign location and design should not significantly impair shoreline views.
3. Signs of a commercial or industrial nature should be limited to those areas or premises to which the sign message refers.
4. Billboards and other off-premise signs should not be located on shorelines except for approved community gateway or directional signs.

3.10.3 Regulations

1. Signs may be allowed when they comply with Clallam County Code Chapter 33.57 and when they comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, and 4.8 Water Quality/Water Management
2. Plan and design for non-exempt signs must be submitted for review at time of shoreline permit application.
3. The following types of signs may be permitted, subject to the provisions contained within this section:
 - a. Water navigation signs and highway and railroad signs necessary for operation, safety, and direction;
 - b. Public information/interpretive signs directly relating to a shoreline resource, use, or activity;
 - c. Off-premise, free signs for community identification, information, or directional purposes;
 - d. Signs with changing message, provided that the information displayed is limited to time, temperature, date, or public non-commercial messages;
 - e. National, state, or institutional flags or temporary decorations customary for special holidays and similar events of a public nature; and
 - f. Temporary directional signs to public or quasi-public events if removed within ten (10) days following the event.
4. The following types of signs shall be prohibited:
 - a. Signs that impair visual access through view corridors;
 - b. Off-premises, detached outdoor advertising signs;
 - c. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use;

- d. Signs that incorporate spinners, streams, pennants, flashing or blinking lights and moving devices, except for public highway and railroad signs;
- e. Animated outdoor advertising signs consisting of devices that move and/or fluctuate in lighting or position;
- f. Signs placed on trees or other natural features; and
- g. Commercial signs for products, services, or facilities located off-site.

3.11 Transportation

3.11.1 Applicability

Transportation uses and developments, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.11.2 Policies

1. New roads and railroads should be located outside of the shoreline jurisdiction whenever feasible. Trails may be located in shoreline jurisdiction provided they are located and designed to minimize adverse impacts of shoreline functions and processes.
2. Maintenance and repair of existing transportation facilities in shoreline jurisdiction should use all reasonable methods to minimize adverse impacts on nearby shorelines.
3. New transportation facility locations should be planned to fit the topographical characteristics of the shoreline to minimize alterations to natural shoreline conditions.
4. New transportation facilities should be designed and located to minimize the need for the following:
 - a. Structural shoreline protection measures;
 - b. Modifications to natural drainage systems; and
 - c. Waterway crossings.
5. When transportation corridors are necessary within shoreline jurisdiction, joint-use corridors are preferred and encouraged for roads and other forms of motorized transportation/circulation.
6. The County should review proposals for new transportation facilities to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the proposed facility and planned restoration.

3.11.3 Regulations – Design and Operation

1. Transportation facilities, including trails, shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management

2. Transportation facilities shall be designed to generally follow natural topography, to minimize cuts and/or fills, to avoid significant adverse impacts to shoreline ecological functions and processes. Wherever roads or railroads cross waterways including remnant stream channels and oxbow bends, crossings of ample cross-section shall be provided to span the feature.
3. Transportation facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where significant adverse impact to the shoreline can be minimized by doing so.
4. Public transportation facilities may be allowed to cross wetlands, streams and/or their buffers when no feasible alternative alignment is available and the facility is designed and constructed to minimize physical, hydrologic and ecological impacts to the wetland or stream. Alternative access shall be pursued to the maximum extent feasible, including through the provisions of RCW 8.24. Exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts, may be specified, including placement on elevated structures as an alternative to fill, if feasible. Proponents of such wetland or stream crossings must demonstrate that all of the following criteria are met:
 - a. There is no other feasible alternative route with less impact on critical areas.
 - b. The crossing minimizes interruption of natural processes such as channel migration, the downstream movement of wood and gravel, and the movement of all fish and wildlife. Bridges are preferred for all stream crossings and should be designed to maintain the existing stream substrate and gradient, provide adequate horizontal clearance on each side of the ordinary high water mark, and provide adequate vertical clearance above the ordinary high water mark.
 - c. Culverts, if needed, shall be designed according to applicable state and federal guidance criteria for fish passage as identified in Fish Passage Design at Road Culverts, Washington Department of Fish and Wildlife, March 1999, and/or the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000 (and subsequent revisions) and in accordance with a state Hydraulic Project Approval. The Administrator may require that existing culverts be replaced or modified as a condition of approval if the culvert is detrimental to fish passage or water quality, and a feasible alternative exists.
 - d. Crossings shall be limited to the minimum width necessary.
5. Private road access to private development sites may be permitted to cross wetlands, streams and/or their buffers if there are no feasible alternative alignments. Alternative access shall be pursued to the maximum extent feasible, including through the provisions of RCW 8.24. Exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts, may be specified, including placement on elevated structures as an alternative to fill, if feasible. Proponents of such wetland or stream crossings must demonstrate that all of the following criteria are met:
 - a. There is no other feasible alternative route with less impact on critical areas.
 - b. The crossing minimizes interruption of natural processes such as channel migration, the downstream movement of wood and gravel, and the movement of all fish and wildlife. Bridges are preferred for all stream crossings and should be designed to maintain the existing stream substrate and gradient, provide adequate horizontal clearance on each side

- of the ordinary high water mark, and provide adequate vertical clearance above the ordinary high water mark.
- c. Culverts, if needed, shall be designed according to applicable state and federal guidance criteria for fish passage as identified in Fish Passage Design at Road Culverts, Washington Department of Fish and Wildlife, March 1999, and/or the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000 (and subsequent revisions) and in accordance with a state Hydraulic Project Approval. The Administrator may require that existing culverts be replaced or modified as a condition of approval if the culvert is detrimental to fish passage or water quality, and a feasible alternative exists.
 - d. Crossings shall be limited to the minimum width necessary. Common crossings are the preferred approach where multiple properties can be accessed by one crossing.
6. In instances where water crossing is required, the shortest, most direct route shall be used unless such route would cause more damage to the environment. Bridges shall be required when crossing streams that support salmonids unless the proponent demonstrates there are other feasible alternatives that do not cause significant impacts to fish habitat including fish passage.
 7. Bridge supports and abutments shall be designed and spaced so they do not act as walls baffling or blocking flood waters, or interrupting stream channel processes or littoral drift.
 8. Arterial roads and railroads shall be built outside the floodway except for necessary stream crossings. If built in the floodway fringe, such routes should be aligned generally parallel to outside stream bends so they will also act as setback levees.
 9. Transportation facilities shall be designed so that no significant loss of flood capacity nor measurable increase in predictable flood levels will result. Such facilities shall avoid placing structures within the channel migration zone or any dynamic, shifting channel area.
 10. Expansion or new construction of any private or public road within shoreline jurisdiction shall only be allowed when adverse impacts to shoreline functions and processes have been fully mitigated.
 11. Road and street repair projects shall be designed to be the minimum necessary to provide safe roads and streets.
 12. Transportation facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash, rain or runoff. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials are prohibited. Preferred materials are concrete and steel.
 13. Transportation development shall be carried out in a manner that maintains or improves state water quality standards for affected waters.
 14. Low impact development techniques shall be used to manage stormwater runoff from roads where feasible and where soil and geologic conditions are appropriate and conducive to such techniques.

15. Non-emergency construction and repair work shall be scheduled for that time of year when seasonal conditions (weather, stream flow) permit optimum feasible protection of shoreline ecological functions and processes.
16. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.
17. Construction of publicly owned trails on public lands, and public trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed subject to the following standards:
 - a. The trail is constructed in the outer fifty percent (50 %) of the shoreline buffer as indicated in Table 2-3. The Administrator may allow the trail to be located within the inner fifty percent (50 %) of the shoreline buffer if there is strong evidence that the later location would require less clearing, grading and damage to the shoreline ecology, provided that the trail is at least 30 feet landward of the ordinary high water mark.
 - b. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other previously disturbed areas;
 - c. Trails and related facilities shall be planned and aligned to minimize removal of trees, shrubs, snags and important wildlife habitat and critical area functions such that the disturbed area shall be a maximum of sixteen (16) feet wide;
 - d. Viewing platforms, interpretive centers, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of shoreline habitat;
 - e. Trails shall be limited to non-motorized use;
 - f. Trail surfacing shall be composed of natural materials, including but not limited to gravel, rock, bark, untreated wood decking eighteen (18) inches or lower in height; except that regional public trails may have up to twelve (12) feet of permanent surfacing materials. Any construction materials shall not significantly alter the existing drainage or negatively affect the critical area.

3.12 Utilities

3.12.1 Applicability

Utilities including distribution lines and related facilities, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.12.2 Policies

1. New public or private utilities should be located inland from water bodies, preferably outside of the shoreline, unless:
 - a. The utility requires a location adjacent to the water;
 - b. Perpendicular water crossings are unavoidable;
 - c. Alternative locations are infeasible; or
 - d. Utilities are required for authorized shoreline uses consistent with this Program.

2. Utility facilities and corridors should be planned, designed and located so as not to obstruct or degrade scenic views. This may include locating utility infrastructure below ground, providing vegetative screening, or taking other measures to reduce visual impacts.
3. Utilities should be located and designed to avoid public recreation and public access areas and significant historic, archaeological, cultural, scientific or educational resources.
4. Utilities should be designed and sited to avoid crossing aquatic areas. If a water crossing is unavoidable, it should be located in an area that will cause the least adverse ecological impact, be installed using methods that minimize adverse impacts, and be the shortest length feasible.
5. Utility lines should be located and constructed within existing utility corridors and other rights-of-way presently dedicated to public use.
6. New utility installations should be planned, designed and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.
7. All utility development should be consistent with and coordinated with all local government and state planning, including comprehensive plans and single-purpose plans, to meet the needs of future populations in areas planned to accommodate growth. Site planning and rights-of-way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible; utility right-of-way acquisition should also be coordinated with transportation and recreation planning.
8. To the extent commensurate with public safety, public utility-owned or controlled property should be accessible to the public and enable access to, and along, shorelines.
9. Solid or Hazardous Waste Disposal Facilities: Solid or hazardous waste disposal, discharge, storage, or recycling facilities, including but not limited to moderate risk facilities, underground injection wells, solid waste and recycling transfer sites, landfills, junk yards, salvage yards, auto wrecking yards, shall demonstrate that such facilities will not significantly impact groundwater resources.
10. The County should review proposals for new utility developments to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the utility development and planned restoration.

3.12.3 Policies – Dams and Hydroelectric Generating Facilities

1. Proponents of hydroelectric generation projects should provide for the protection and preservation of natural and cultural resources. Dams and hydroelectric facilities should be located so as not to adversely impact sites having historic, cultural, scientific or educational value as identified by the appropriate authorities.
2. Proposals for new hydroelectric utilities should be carefully considered to ensure that the benefits outweigh the potential impacts on shoreline functions and processes. Projects that impact fish, wildlife, water quality, critical areas, erosion and accretion areas or processes and/or natural scenic vistas should be discouraged.

3. Applications for hydroelectric facilities should clearly document the suitability of the proposed site for the specific type of development, including alternative locations. Such site suitability analysis should thoroughly consider the environmental effects of the proposed facility at the primary site and the alternative sites.
4. The expansion of existing hydroelectric facilities or the integration of hydroelectric facilities within existing flood control, irrigation, or water supply facilities should be encouraged over the development of new facilities. When new sites are considered, sufficient evidence should be presented by the project proponent to demonstrate that existing facilities are fully utilized or are not practicably available.

All non-water-dependent facilities such as staging and storage areas, switching yards, utility transmission lines and in many cases powerhouses, should be located outside of the shoreline wherever feasible.

5. In determining the appropriateness of a stream or river for hydroelectric development, the recommendations and conclusions of the Northwest Power and Conservation Council or equivalent state-adopted site ranking study should be considered.
6. Hydroelectric facilities should provide public access in accordance with constitutional or other legal limitations unless such improvements are demonstrated to be infeasible or present hazards to life and property.
7. Powerhouses and related structures should be designed, located and constructed so as to avoid extensive alteration of topography and to preserve the natural features of the shoreline.
8. Dam and hydroelectric facilities should be constructed in such a manner that minimizes erosion and sedimentation during construction.

3.12.4 Regulations – General

1. Utility developments shall with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
2. 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. Automatic shut-off valves shall be provided by the project proponent on both sides of the water body, and pipe sleeves shall be used to facilitate repair without future encroachment on surface waters and wetlands, unless more feasible or technically superior alternatives exist that provide equivalent protection, as deemed by the Administrator.
3. The construction, operation and maintenance of utilities shall not cause a net loss of shoreline ecological functions or processes or adversely impact other shoreline resources and values.
4. Utilities that are not water-dependent shall be located outside shoreline buffers unless it is demonstrated that alternative locations and alternative technology are infeasible. In such cases, the proponent shall provide compensatory mitigation for any unavoidable impacts to the shoreline environment in accordance with Section 4.4 of this Program.
5. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.

6. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill. When crossing water bodies, pipelines and other utility facilities shall use pier or open pile construction.
7. New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve (12) inches in diameter measured at four and one-half (4.5) feet height on the uphill side.
8. New utility corridors shall be revegetated with appropriate native vegetation at pre-construction densities or greater. Revegetation shall occur immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. Appropriate steps shall be taken to ensure that such vegetation survives.
9. Vegetation clearing during utility installation or maintenance shall be minimized. Upon completion of installation/maintenance, disturbed areas shall be restored to pre-project configuration, replanted with native species and provided maintenance care until the newly planted vegetation is established. Plantings shall be native species and similar to vegetation in the surrounding area.
10. The following information shall be provided by the project proponent for a utility proposal:
 - a. A description of the proposed facilities; and
 - b. The rationale and justification for siting the proposed facility within shoreline jurisdiction; and
 - c. A discussion of alternative locations considered and reasons for their elimination; and
 - d. A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities or other types of utilities in the project; and
 - 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; and
 - g. An analysis of alternative technologies; and
 - h. Documentation that utilities avoid public recreation areas and significant natural, historic or archaeological or cultural sites, or that no alternative is feasible and that all feasible measures to reduce harm have been incorporated into the proposal.
11. Placement of utilities within/through regulated wetlands and associated buffers may be allowed subject to all of the following standards:
 - a. New utilities shall use existing utility corridors whenever possible.
 - b. The utility line is located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation.
 - c. New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve (12) inches in diameter measured at four and one-half (4.5) feet height on the uphill side.

- d. Clearing, grading, and excavation activities are limited to the minimum necessary to install the utility line and the area is restored following utility installation.
- e. Buried utility lines shall be constructed in a manner that prevents significant adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology.
- f. Utility lines in Class II, III, and IV wetlands and their buffers and/or Category I wetland buffers are allowed when no feasible conveyance alternative is available. Utility lines shall be designed and constructed to minimize physical, hydrologic and ecological impacts to the wetland.
- g. New utility transmission facilities which carry oil, gas or any other hazardous substances are prohibited within a regulated critical area and associated buffer.
- h. New utility corridors shall be revegetated with appropriate native vegetation at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints, and appropriate steps shall be taken to ensure that such vegetation survives.
- i. In designated critical aquifer recharge areas, utility facilities which carry oil, gas or any other hazardous substance as defined in Chapter 173-303 WAC shall provide hydrologic information in addition to spill prevention measures and an emergency spill management plan.

3.12.5 Regulations – Dams and Hydroelectric Generating Facilities

1. Small-scale power generating apparatus may be placed in streams provided they do not create impoundments and there are no adverse effects on shoreline functions and processes, including but not limited to, stream flow, habitat structure, temperature, and/or water quality.
2. The design of all dams and the suitability of the proposed site for dam construction shall be certified by a professional engineer licensed in the State of Washington. The professional design shall include a maintenance schedule.
3. For all dams that are not regulated by either the Federal Energy Regulatory Commission licensing procedures, or the State Department of Ecology reservoir permit requirements, a maintenance agreement and construction bond for one hundred-fifty percent (150%) of the cost of the structure shall be filed with the Administrator prior to construction. The maintenance agreement shall specify who is responsible for maintenance, shall incorporate the maintenance schedule specified by the design engineer, shall require annual inspections by a Civil Engineer licensed in the State of Washington, and shall stipulate abandonment procedures which shall include, where appropriate, provisions for site restoration.
4. Dams and associated power generating facilities shall not be permitted except in the rare instance where there is clear evidence that the benefits to County residents outweigh any potential adverse ecological impacts. The criteria for approving such facilities will depend on the specific location including its particular physical, cultural, and ecological conditions.
5. Hydroelectric generating facilities which provide or generate more than one (1) megawatt of electrical power annually or are located on public land shall provide public access/open space for use by employees. The Administrator may alter the recommended megawatt threshold per constitutional limits or waive this requirement if public access is infeasible due to

incompatible uses, safety, impacts to shoreline ecology or legal limitations. Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities.

6. All heavy construction equipment, including fuel storage and repair areas, shall be stored more than two hundred (200) feet from ordinary high water.
7. Construction material staging areas shall be located more than two hundred (200) feet from ordinary high water, except this shall not apply during construction and assembly periods.
8. Service roads shall be a size which is minimally necessary to safely accomplish maintenance and repair of the facility.
9. The following standards shall apply to powerhouses/penstocks:
 - a. These shall be designed, located and constructed in such a manner as to avoid extensive removal of riparian vegetation and topographical alteration.
 - b. Penstocks shall be designed, located and constructed to present as low a profile as possible.
 - c. Powerhouses shall be located a minimum of twenty five (25) feet from ordinary high water, provided that this setback does not apply to raceways.

3.12.6 Regulations – Electrical Energy and Communication Systems

1. Systems components (including substations, towers, and transmission and distribution lines) that are not water-dependent shall not be located in shoreline jurisdiction unless alternatives are infeasible.
2. Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline and do not cross water bodies. New or replacement lines that cross water or critical areas may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts. Poles or supports treated with creosote or other wood preservatives that may be mobile in water shall not be used along shorelines or associated wetlands.

3.12.7 Regulations – Essential Public Facilities

1. Essential public facilities shall be located, developed, managed, and maintained in a manner that protects shoreline ecological functions and processes.
2. Essential public facilities shall be designed to enhance shoreline public access and aesthetics.
3. Essential public facilities shall be located outside of shoreline jurisdiction unless they require a waterfront location or unless there is no feasible alternative.

3.12.8 Regulations – Off-shore Wind Energy Systems

1. At wind energy system sites, the design of the associated structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the wind energy system to the natural setting and the existing environment.

2. No wind energy system shall be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.
3. The wind energy system shall not interfere with established navigation routes.
4. The wind energy system shall be designed, constructed and operated in a manner that minimizes adverse effects on shoreline ecological functions and processes.
5. The Administrator shall take the following into account in its review of wind energy system applications:
 - a. The potential hydrological effects (including physical effects at the site and adjacent coastline through changes to wave patterns, tidal streams, sediment transport, etc.);
 - b. Interference with other marine activities;
 - c. Potential risk to fish and other marine life, including mammals, from contaminants, noise and vibration;
 - d. The effects of increased turbidity and potential for smothering/burial of benthic flora and fauna; and
 - e. Other adverse implications on marine habitats and/or species.

3.12.9 Regulations – Oil, Gas, and Natural Gas Transmission

1. Because of the unique shoreline environmental resources of the County, development of petrochemical plants and energy facilities such as crude petroleum transfer facilities and tank farms, petroleum refineries, nuclear power plants, nuclear processing plants, and liquid natural gas and liquid petroleum gas facilities, as defined in RCW 80.50.020, will not be permitted unless it is demonstrated, giving due consideration to the statewide interest, that local economic, social and environmental resources and conditions will be adequately protected from substantial adverse effects.
2. Oil, gas and natural gas transmission and distribution pipelines shall not be located in shoreline areas unless alternatives are demonstrated to be infeasible.
3. Local natural gas service lines shall not be located in shoreline areas unless serving approved shoreline uses. Crossings of shorelines shall not be approved unless alternatives are demonstrated to be infeasible.
4. Developers and operators of pipelines and related facilities for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.
5. To the extent feasible, public access shall be incorporated with major transmission line rights-of-way for public access to and along water bodies as required in Section 5.6. The Administrator may waive this requirement if public access is infeasible due to incompatible uses, safety, impacts to shoreline ecology or legal limitations.

3.12.10 Regulations – Sewage Systems

1. On-site sewage disposal systems may be permitted in shoreline and critical area buffers when accessory to an approved residential structure, for which it is not feasible to connect to a public sanitary sewer system.
2. Outfall pipelines and diffusers are water-dependent but shall be located to minimize adverse effects on shoreline ecological functions and processes or significant adverse impacts upon shoreline resources and values.
3. New outfalls and modifications to existing outfalls shall be designed and constructed by the project proponent to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to those habitats.
4. Septic tanks and drainfields are prohibited where public sewer lines are readily available.
5. Sewage and sludge disposal, except on-site sewage disposal systems releasing less than fourteen thousand (14,000) gallons per day and approved consistent with Chapter 246-272 WAC and local health codes, shall be prohibited in critical aquifer recharge areas on lands designated as high or moderate susceptibility.

3.12.11 Regulations – Solid Waste Facilities

1. Facilities for processing, storage and disposal of solid waste are not normally water-dependent. Components that are not water-dependent shall not be permitted on shorelines.
2. Disposal of solid waste on shorelines or in water bodies has potential for severe adverse effects upon ecological processes and functions, property values, public health, natural resources, and local aesthetic values, and shall not be permitted.
3. Temporary storage of solid waste in suitable receptacles is permitted as accessory to a permitted primary use or for litter control.

3.12.12 Regulations – Stormwater Facilities

1. Stormwater management facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, shall be permitted within shoreline and critical area buffers only when the following provisions are met:
 - a. Construction of the stormwater facility does not displace or impact a critical area;
 - b. There is no other feasible location for the stormwater facility and the facility is located, constructed, and maintained in a manner that minimizes adverse effects to shoreline ecological functions;
 - c. The stormwater facility meets applicable stormwater management standards and the discharge water meets state water quality standards including total maximum daily load (TMDL) standards;
 - d. The width of the buffer between the stormwater facility and the shoreline or critical area is at least seventy five percent (75%) of the standard width per Table 2-3, or thirty five (35) feet, whichever is greater;

- e. There is no other feasible location for the stormwater facility and the facility is located, constructed, and maintained in a manner that minimizes adverse effects on the buffer and adjacent critical areas; and
 - f. Low impact development approaches have been considered and implemented to the maximum extent feasible.
2. Proposals for all new stormwater facilities shall include landscaping plans that enhance the aesthetic quality of the shoreline, utilize native vegetation, and provide for maintenance care until newly planted vegetation is established.
 3. Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be permitted within a critical area or shoreline buffer on a case-by-case basis when all of the following criteria are met:
 - a. Due to topographic or other physical constraints, there are no feasible locations for these facilities in the outer buffer area or outside the buffer.
 - b. The discharge is located in a manner that minimizes disturbance of soils and vegetation.
 - c. The discharge outlet is designed to prevent erosion and promote infiltration.

3.12.13 Regulations – Water Systems

1. Domestic wells serving single-family developments, including a pump and appropriately sized pump house and storage tank, shall be allowed in shoreline or critical areas buffers.
2. Components of water systems that are not water-dependent shall be located away from the shoreline. Private and public intake facilities should be located where there will be no net loss in ecological functions or significant adverse impacts upon shoreline resources, values, natural features, or other uses.
3. Desalinization facilities shall be located outside of critical areas and landward of shoreline buffers, except for water-dependent components such as water intakes.

3.13 Beach Access Structures

3.13.1 Applicability

Beach Access Structures, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.13.2 Policies

1. Efforts to enable pedestrian access to beach areas must be balanced with the need to protect shoreline ecological functions and ensure public safety.
2. Beach access structures should be located, designed, and maintained in a manner that minimizes adverse effects on shoreline ecology. Proposals for new or expanded beach access structures should consider existing topography, shoreline aesthetics, and minimize clearing and grading to the maximum extent feasible.
3. Neighboring property owners are encouraged to combine resources to collectively propose beach access structures in appropriate locations for shared use.

4. Beach access structures should not be allowed until and unless their adverse effects on stream, lake or marine shoreline functions and processes, including any adverse effects on adjoining lands and properties, are fully evaluated and mitigated.
5. Beach access structures may not be appropriate in some areas because of safety hazards or sensitive ecological conditions. These structures should not be allowed in areas where there are expected risks to human health and safety or adverse effects on shoreline functions and processes. Some properties will have view-only access to the adjoining waters.
6. Beach access structures should not be allowed if there is a reasonable likelihood that they will require erosion control structures or armoring in the future.

3.13.3 Regulations

1. Beach access structures may be allowed when they are consistent with this Program.
2. New beach access structures shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
3. Before approving a permit for a new beach access structure on a steep slope, marine bluff or other landslide or erosion hazard area, the Administrator may require a report prepared by a state licensed geotechnical engineer or engineering geologist and/or a qualified biologist demonstrating that all of the following conditions are met:
 - a. The structure is located in the least environmentally damaging location on the subject parcel; and
 - b. The structure is designed to minimize the amount of clearing, grading, and excavation; and
 - c. Construction or use of the structure will not destabilize slopes or increase landslide or erosion hazards; and
 - d. The structure is located outside of areas mapped as Feeder Bluff or Exceptional Feeder Bluff. Beach access structures (including any stairway, tram, stair tower, platform and/or elevated walkway anchored to the ground surface by structural means) are prohibited within areas mapped as Feeder Bluff or Exceptional Feeder Bluff; and
 - e. The structure will not substantially interfere with natural erosion and accretion processes; and
 - f. The placement of the structure is likely not to require structural shoreline stabilization in the foreseeable future; and
 - g. Unavoidable significant adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss.
4. When consistent with this Program, beach access structures may be located within a shoreline buffer, provided that:
 - a. The width of any walkway, staircase, tower or tram shall not exceed six (6) feet; and

- b. The structure shall not extend more than twelve (12) vertical feet above the bank or slope; and
 - c. There is no other available public beach access within five hundred (500) feet of the proposed access site.
5. No portion of a beach access structure shall be constructed in a wetland or wetland buffer or waterward of the ordinary high water mark of any waterbody unless there is no other feasible alternative.
 6. When in-water or over-water construction is allowed in accordance with this section it shall be limited to a small pier or pile-supported pedestrian landing platform of twenty-five (25) square feet or less that is otherwise consistent with the provisions of this Program.
 7. Existing lawfully constructed non-conforming beach access structures may be repaired or replaced in kind as a non-conforming use, consistent with other provisions of this Program.
 8. New land divisions shall include provisions joint-use of beach access structures. Single use structures shall be prohibited in new subdivisions. All necessary access easements shall be recorded at the time of permitting.

3.14 Boating Facilities and Moorage

3.14.1 Applicability

Boating Facilities and Moorage, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.14.2 Policies

1. Boating and moorage facilities should be located, designed, constructed, and operated to avoid adverse effects on shoreline functions and processes and to prevent conflicts with other allowed uses.
2. Boating facilities should not be located or expanded where they would:
 - a. Substantially interfere with net-shoreline drift.
 - b. Cause adverse effects on aquatic habitat, water quality, aesthetics, navigation, and/or neighboring uses.
3. Boating facilities and moorage associated with commercial, industrial, and port uses should include public access in accordance with Section 5.6 of this Program.
4. Boating facilities and moorage should be sited and designed to avoid, or if that is not possible, to minimize the need for new and maintenance dredging.
5. New marinas and other public boating facilities should be co-located with other compatible water-dependent uses where feasible. The Administrator should seek comment from public recreation providers, adjacent cities/counties, port districts, Washington State Parks, affected Native American Tribes, and the Washington State Departments of Ecology, Fish and Wildlife, Health, and Natural Resources, to ensure that local as well as regional recreation needs are addressed.

6. The County should review proposals for boating facilities and moorage to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the proposed development and planned restoration.

3.14.3 Regulations – Marinas

1. New marinas may be allowed when they are consistent with this Program and when the proponent demonstrates that all of the following conditions are met:
 - a. The marina is located in the least environmentally damaging location; and
 - b. The proposed location will not require dredging or excavation/filling of wetlands; and
 - c. The proposed location does not restrict the use of commercial and recreational shellfish beds;
 - d. The marina complies with the Washington Department of Health Environmental Health Guidelines for Marina Development and Operation;
 - e. Suitable public infrastructure is available or can be made available to support the marina;
 - f. The area has adequate water circulation and flushing action to prevent water quality degradation; and
 - g. Unavoidable adverse impacts on ecological processes and functions are mitigated to achieve no net loss.
2. New marinas and expansions of existing marinas shall be designed, constructed, and operated according to the following:
 - a. Open pile or floating breakwater designs shall be used unless the proponent demonstrates that there are specific safety considerations that warrant alternative approaches or unless riprap or other solid construction is shown to have fewer impacts on shoreline ecology over the short and long term.
 - b. Structural shoreline armoring shall be limited to the minimum necessary to protect marina infrastructure and shall consist of softshore bioengineered stabilization unless soft stabilization is demonstrated by a geotechnical analysis to be infeasible or inadequate to protect the site.
 - c. Floating structures shall be designed to prevent grounding on tidelands. Floats shall only be used where there is sufficient water depth to prevent grounding at low tide. The
 - d. Piers and other structures shall be located, sized, and designed to minimize shading of aquatic habitats and species.
 - e. Solid structures shall be designed to provide fish passage through and along the shallow water fringe.
 - f. Floating piers shall be required in rivers unless the proponent can demonstrate that fixed piers will cause substantially less impact on geohydraulic processes.

3. New marinas and expansions of existing marinas shall with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6; and 4.8 Water Quality/Water Management.
4. Every marina shall have appropriate equipment and operational procedures on hand to store fuels and related chemicals, prevent accidental spills, and facilitate containment and collection of chemicals should spillage occur.
5. New marinas shall include public access amenities. Consistent with Section 4.6 of this Program, public access siting and design shall be determined based on what is appropriate to a given location and the needs/desires of the surrounding community.
6. Live-aboard vessels may occupy up to twenty (20) percent of the slips at a marina. Marinas that accommodate live-aboards shall provide and maintain adequate facilities and programs to address waste disposal and sanitary disposal.
7. New or expanded marinas may include fill waterward of the ordinary high water mark only when necessary for the water-dependent portions of the marina facility. Filling for the creation of marina parking areas shall be prohibited.
8. If new or expanded marina facilities adversely affect net sediment transport or other coastal processes to the detriment of nearby beaches or habitats, the Administrator shall require the marina operator to periodically replenish the substrate in these areas to offset adverse impacts.
9. New or expanded development appurtenant to marinas including parking, open air storage, waste storage and treatment, stormwater management facilities, and utilities shall be designed and constructed to avoid impacts on shoreline functions and processes. The following standards shall apply to new or expanded development appurtenant to marinas:
 - a. Appurtenant structures and facilities shall be clustered and located so as to reduce clearing and grading impacts.
 - b. Water-oriented accessory uses reasonably related to marina operation may be located over water or near the water's edge by conditional use permit if an overwater or water's-edge location is essential to the operation of the use and if public access is provided.
 - c. Parking shall be located away from the water's edge and landward of shoreline buffers prescribed by this Program.
 - d. Pump-out, holding, and/or waste treatment facilities and services shall be provided at all marinas. Pump-out facilities shall be conveniently located and sited to ensure easy access, prevent lengthy queues, and allow full compliance with waste disposal regulations. Vessel-mounted pump-out services and hard-plumbed stations at each slip shall be preferred over portable pump-out equipment.
 - e. Marinas shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations. Restrooms shall be 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 vessels within the marina.

- f. Garbage and recycling receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
 - g. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel, and oil or toxic materials where all users may easily read them.
 - h. Boat washing facilities shall be provided to minimize transfer of invasive aquatic species between water bodies.
10. Proposals for new or expanded marina facilities shall include appropriate technical studies and plans that are not already required via another regulatory review process. Examples of studies and plans that may be required include, but are not limited to:
- a. A Maintenance Plan for maintaining pump-out and waste/sewage disposal facilities and services.
 - b. A Spill Response Plan for oil and other spilled products. Compliance with federal or state law may fulfill this requirement.
 - c. An Operational Plan that, at a minimum, describes procedures for fuel handling and storage; measures, including signage, for informing marina users of applicable regulations; measures for collecting garbage and recyclables; measures and equipment for ensuring public safety.
 - d. A visual assessment of views from surrounding residential properties, public viewpoints, and the view of the shoreline from the water surface.
 - e. An analysis of fish and shellfish resources which may be affected.
 - f. An assessment of existing water-dependent uses in the vicinity including but not limited to navigation, fishing, shellfish production and harvest, swimming, beach walking, and picnicking and shall document potential impacts and mitigating measures.
 - g. An assessment or assessments necessary to ensure the proposed new or expanded marina is consistent with all criteria of subsection 3.14.3.1 of this section, including documentation that all unavoidable adverse impacts on ecological processes and functions are mitigated as part of the proposal in order to achieve no net loss.

3.14.4 Regulations – Boat Launches

- 1. Public boat launches may be allowed when they are consistent with this Program and when the proponent demonstrates that the boat launch:
 - a. Is located in areas where there is adequate water mixing and flushing action; and
 - b. Is designed so as not to retard or reduce natural shoreline flushing characteristics; and
 - c. Is constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available; and
 - d. Will not block or interfere with existing or potential public access along beaches or otherwise impair public use of public surface waters; and
 - e. Incorporates mitigation to offset unavoidable adverse impacts and achieve no net loss.

2. New boat launches shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
3. No more than one private boat launch facility or structure shall be permitted on a single parcel or residential lot.
4. Public boat launches shall include adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.
5. When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access, and/or where such facilities will substantially increase public opportunities for water access.
6. Public boat launches shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.
7. Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand.

3.14.5 Regulations – Piers, Docks, and Floats, Non-residential

1. Docks, piers, and floats associated with commercial, industrial, port, or public recreational developments may be allowed when they are consistent with this Program and when the proponent demonstrates that:
 - a. The dock/pier/float is required to accommodate a water-dependent use; and
 - b. The dock/pier/float is designed to avoid or, if that is not possible, to minimize the impacts to nearshore habitats and processes.
2. New boat launches shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
3. Joint-use piers shall be preferred for commercial and industrial developments which are in close proximity to one another.
4. Covered moorage associated with non-residential docks, piers, and floats shall be prohibited.
5. The length, width and height of non-residential docks, piers and floats shall be no greater than that required for safety and practicality for the primary use. The Administrator shall defer to the dimensional requirements imposed in the project-specific permit conditions issued by the Corps of Engineers and Washington Department of Fish and Wildlife.
6. New and substantially expanded non-residential docks, piers and floats shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials for any portions of the dock, pier, float, framing, or decking that come in contact with water shall be approved by WDFW and Ecology for use in water.
7. To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:

- a. The width of docks, piers and floats shall be the minimum necessary. Materials that will allow light to pass through the deck may be required where width exceeds four (4) feet; and
 - b. Grating to allow light passage or reflective panels to increase light refraction shall be used on walkways or gangplanks in nearshore areas.
8. Commercial, industrial, port or public recreational docks, piers and floats shall be spaced and oriented to shoreline in a manner that avoids or minimizes:
- a. Hazards and obstructions to navigation, fishing, swimming and pleasure boating; and
 - b. Shading of beach substrate below; and
 - c. Impediments to alongshore sediment transport and/or movement of fish and other aquatic species.
9. Fill waterward of the ordinary high water mark shall be limited to the minimum necessary to match the upland with the elevation of the non-residential dock or pier.
10. Dredging shall be limited to the minimum necessary to allow boat access to a non-residential dock or pier.

3.14.6 Regulations – Piers, Docks, Floats, and Lifts, Accessory to Residential Development and Private Recreational Use

1. Docks, piers, floats and lifts accessory to residential development/use and/or private recreational use may be allowed when they are consistent with this Program and when the proponent demonstrates that they are:
 - a. Designed and constructed to avoid or, if that is not possible, to minimize shading and other impacts on nearshore habitats and processes; and
 - b. Constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials for portions of the dock, pier, float, framing and decking in contact with water shall be approved by applicable state agencies for use in water; and
 - c. Spaced and oriented to the shoreline in a manner that minimizes hazards and obstructions to navigation, fishing, swimming, and pleasure boating; and
 - d. Designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in original moorage design shall not be grounds for approval of dredging; and
 - e. Designed to avoid impediments to alongshore sediment transport and/or movement of fish and other aquatic species.
2. New residential piers, docks and floats shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.

3. If allowed under this Program, no more than one (1) dock/pier and one (1) float and one (1) watercraft lift may be permitted on a single lot owned for residential use or private recreational use.
4. In-water fixed platform structures supported by piles that do not abut the shoreline shall be prohibited.
5. Floats accessory to residential use shall not exceed two hundred (200) square feet in area or three (3) feet in height as measured from mean lower low water.
6. Floats shall only be used where there is sufficient water depth to prevent grounding at low tide.
7. Private single-family residential piers and docks shall not extend over water farther than fifty (50) feet as measured perpendicular from the shoreline or, in tidal waters, shall not extend more than fifteen (15) feet from the minus six (6.0) foot mark as referenced from mean lower low water [ADD TIDAL DATUM]. Shared residential piers and docks may extend an additional ten (10) feet for each single-family residence sharing the pier.
8. To avoid and minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
 - a. The width of docks and floats shall be the minimum necessary. Materials that will allow light to pass through the deck shall be required where width exceeds four (4) feet; and
 - b. Grating to allow light passage or reflective panels to increase light refraction shall be used on walkways or gangplanks in nearshore areas.
9. Residential developments creating four (4) or more new lots or new dwelling units may be granted permits for community docks to be shared by two or more lot owners or dwelling units. No more than one (1) dock/pier or float may be permitted for each three (3) adjoining waterfront lots, with necessary access easements to be recorded at the time of permitting. Single-user docks, piers and floats for individual residential lots may be permitted in subdivisions existing prior to [INSERT DATE], only where a shared facility has not already been developed.
10. Single-user moorage for private/recreational float planes may be permitted as a conditional use where construction of such moorage:
 - a. Is limited to the smallest size necessary to accommodate the float plane; and
 - b. Will not adversely affect shoreline functions or processes, including wildlife use; and
 - c. Includes mitigation to compensate for the greater intensity of use associated with the float plane moorage.
11. Covered moorage associated with single-family residential development shall be prohibited, except that the Administrator may allow a small covered area up to one hundred (100) square feet in size, maximum height of ten (10) feet, and with vertical walls on up to three (3) sides on the overland portion of a dock/pier only.
12. Single-user docks/piers/floats may not be located within sideyard setbacks for residential development (both onshore and offshore); a shared dock/pier may be located adjacent to or upon a shared side property line upon filing of an agreement by the affected property owners.

13. Fill waterward of the ordinary high water mark shall be limited to the minimum necessary to match the upland with the elevation of the residential dock or pier.
14. Dredging for construction or maintenance of docks, piers and floats accessory to residential use shall be prohibited waterward of the ordinary high water mark.
15. Boating facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be non-reflective.
16. No dock, pier, float, or watercraft moored thereto shall be used as a residence.
17. Docks, piers and floats shall be prohibited in wetlands.

3.14.7 Regulations – Mooring Buoys

1. Mooring buoys shall be allowed when they are consistent with this Program and the proponent demonstrates that the buoy:
 - a. Will be located to avoid significant impacts to eelgrass beds and other valuable aquatic and nearshore habitat areas; and
 - b. Will not impede the ability of other landowners to access private property; and
 - c. Will not pose a hazard to or obstruct navigation or fishing; and
 - d. Will not adversely impact water quality; and
 - e. Will not pose a threat to shellfish beds or an existing aquaculture operation.
2. The installation and use of mooring buoys in marine waters shall be consistent with all applicable state laws, including state Departments of Natural Resources, Health, and Fish and Wildlife standards.
3. Recreational mooring buoys on state-owned aquatic lands shall not be used for permanent residential (living on the boat) or commercial purposes; limitations shall not interfere with use of mooring buoys for scientific research purposes.
4. Wherever appropriate, mooring buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other WDNR-approved designs that have minimal adverse effects on aquatic ecosystems and fish; where specific WDNR-designs are inappropriate or ineffective given the proposed mooring buoy location, reasonable and effective designs shall be used that minimize adverse effects on aquatic ecosystems and fish.
5. Mooring buoys shall be clearly marked and labeled with the owner's name and contact information and permit number(s).
6. Placement and number of mooring buoys within bays and other areas shall not exceed a density exceed four (4) buoys per acre.

3.15 Dredging and Dredge Material Disposal

3.15.1 Applicability

Dredging and Dredge Material Disposal, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.15.2 Policies

1. Dredging should only be allowed only when alternatives are infeasible and when the dredging/dredge disposal is necessary to support an existing legal use, an approved water-dependent use, an essential public facility, or an approved restoration project.
2. When allowed, dredging and disposal operations should be planned, timed, and implemented to minimize:
 - a. Adverse impacts to shoreline ecology; and
 - b. Adverse impacts to in-water and adjacent upland uses; and
 - c. Interference with navigation.
3. The County should review proposals for new dredging activities to determine if any such activity would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the proposed dredging and planned restoration.

3.15.3 Regulations – Dredging

1. The Administrator may permit dredging only when the project proponent the activity is consistent with this Program and that there are no feasible alternatives to dredging.
2. Dredging shall only be allowed when necessary to support the following uses and developments; dredging for other purposes is prohibited:
 - a. Approved harbors, marinas, ports, and water-dependent industries;
 - b. Development or maintenance of essential public infrastructure and facilities;
 - c. Environmental cleanup activities required under the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act;
 - d. Trenches required for underground utility installation when boring, directional drilling, and other installation methods are not feasible;
 - e. Maintenance dredging for the purpose of restoring a lawfully established use or development, except for a residential dock;
 - f. Maintenance dredging for the purpose of restoring previously permitted or authorized hydraulic capacity of a stream or river;
 - g. Maintenance of existing legal irrigation reservoirs, drains, canals, or ditches;
 - h. Establishing, expanding, relocating, or reconfiguring navigation channels and basins where necessary to assure the safety and efficiency of existing navigation uses;

- i. Ecological restoration and enhancement projects benefitting water quality and/or fish and wildlife habitat;
 - j. Approved beach nourishment projects; or
 - k. Public access and public water-oriented recreational developments/uses, including construction of public piers and docks that benefit substantial numbers of people.
3. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
 4. Dredging for flood management purposes shall be allowed only when the project proponent demonstrates that:
 - a. The dredging is a required component of a County-approved comprehensive flood management plan; or
 - b. The dredging has a long-term benefit to public health and safety and will not cause a net loss of ecological functions and processes.
 5. When reviewing dredging proposals, the Administrator shall first consider how the proposed activity has been regulated by other agencies, note same as a reference, and then establish whether additional review or regulation is needed. The Administrator may require information to ensure:
 - a. The project is designed, located, and timed to mitigate impacts on legally established neighboring uses and developments; and
 - b. Appropriate measures are taken to ensure the activity will not interfere with fishing or shellfishing; and
 - c. Appropriate measures are taken to minimize adverse effects on recreation, public access, and navigation; and
 - d. The activity shall not adversely impact natural processes such as channel migration, marine bluff erosion, and/or net-shoreline drift; and
 - e. Appropriate best management practices are employed to prevent water quality impacts or other forms of environmental degradation; and
 - f. Upstream and upgradient sediment sources that create the need for dredging have been investigated and where feasible, mitigated; and
 - g. Appropriate measures are employed to protect public safety and prevent significant adverse impacts on other approved shoreline uses; and
 - h. The proposed activity complies with applicable federal, state, and other local regulations.

3.15.4 Regulations – Dredge Material Disposal

1. All unconfined, open water dredge disposal activities in the Strait of Juan de Fuca shall comply with Washington’s Dredged Disposal Management Program criteria and guidelines and other applicable local, state, and federal regulations.

2. Dredge disposal activities shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
3. When dredge material is deposited on land, it shall be considered fill and subject to all applicable fill regulations in Section 4.5 of this Program.
4. When consistent with this Program, disposal of dredged materials in water areas other than Puget Sound Dredged Disposal Analysis sites may be allowed only for the following reasons:
 - a. To restore or enhance habitat; or
 - b. To reestablish substrates for fish and shellfish resources; or
 - c. To nourish beaches that are starved for sediment; or
 - d. To remediate contaminated sediments.
5. When reviewing proposals for dredge disposal, the Administrator shall first consider how the proposed activity has been regulated by other agencies, note same as a reference, and then establish whether additional review or regulation is needed. The Administrator may require information to ensure:
 - a. The proposed action will not cause significant and/or ongoing damage to water quality, fish, shellfish, and/or other biological resources; and
 - b. The proposed action will not adversely alter natural drainage, water circulation, sediment transport, currents, or tidal flows or significantly reduce floodwater storage capacities; and
 - c. The proposed action includes all feasible mitigation measures to protect marine, estuarine, freshwater, and terrestrial species and habitat.

3.16 Floodplain Management and Flood Control Structures

3.16.1 Applicability

Floodplain Management and Flood Control uses and developments, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.16.2 Policies

1. When managing floodplains, the County should balance the need to protect life and property with the need to maintain fish and wildlife habitat and other floodplain functions.
2. The need for new flood control structures should be avoided by limiting new development and new uses, including subdivision of land, in flood-prone areas.
3. Structures built within floodplains should be designed such that they do not obstruct the passage of water or inadvertently cause a stream to be diverted to a new channel.

4. Information about flood hazards should be made readily available to existing and prospective shoreline property owners so they are informed about the risks of living in areas that are prone to flooding, erosion, channel migration, and other hazards.
5. New flood control structures are allowed only where there is a documented need to protect an existing structure and where appropriate measures are implemented to minimize impacts on floodplain functions including fish and wildlife.
6. New flood control structures should not unduly interfere with navigation, water-related recreation or public access to public waters.
7. When evaluating the need for flood control structures such as traditional levees and/or dams, opportunities to remove or relocate existing developments and structures out of flood-prone areas should be pursued as a first course of action. Alternative measures, such as overflow corridors and setback levees, that may have less adverse impact on shoreline and floodplain ecology should be implemented before structural flood control measures are approved.
8. Non-regulatory methods to protect, enhance, and/or restore shoreline ecological functions and processes should be encouraged as an alternative to flood control structures. Non-regulatory methods may include acquisition of land or easements; education; voluntary protection and enhancement projects; and incentive programs.
9. Long-term, comprehensive flood hazard management plans should be developed and supported in cooperation with other applicable agencies and persons to prevent flood damage, maintain the natural hydraulic capacity of streams and floodplains, and conserve or restore valuable, limited resources such as fish, water, soil, and recreation and scenic areas.
10. Planning and design of flood control structures should be consistent with the National Oceanic and Atmospheric Administration's (NOAA) recommendations in the 2008 Biological Opinion on the Federal Flood Insurance Program, or any successor thereto and should incorporate elements from adopted watershed management plans, restoration plans and/or surface water management plans.
11. Voluntary relocation of existing developments that are located in flood-prone or other hazardous areas is encouraged when doing so will substantially reduce human health and safety hazards and improve ecological conditions.
12. The County should review proposals for floodplain management plans and food control structures to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the proposed activities and planned restoration.

3.16.3 Regulations

1. Flood control structures may be allowed when consistent with Sections 4.3.15 (Frequently Flooded Area Designation and Mapping) and 4.3.16 (Frequently Flooded Area Protection Standards), and other applicable provisions of this Program and when there is credible engineering and scientific evidence that:
 - a. They are necessary to protect existing, lawfully established development; and

- b. They are consistent with Clallam County Code Titles 27 and 32 and the County Comprehensive Plan; and
 - c. Non-structural flood hazard reduction measures are infeasible; and
 - d. Impacts on Endangered Species Act-listed salmonids can be effectively mitigated consistent with NOAA's 2008 Biological Opinion, or any successor thereto, on the Federal Flood Insurance Program; and
 - e. Proposed measures are consistent with an adopted comprehensive flood hazard management plan if available.
2. Floodplain management and flood control activities shall comply with the applicable provisions of sections: 4.1, Archeological, Historical and Cultural Resources; 4.2, Buffers; 4.3, Critical Areas; 4.4 Mitigation and No Net Loss; 4.5, Clearing, Grading and Filling; 4.6, Public Access; and 4.8 Water Quality/Water Management.
 3. When permitted, flood control structures shall be:
 - a. Constructed and maintained in a manner that provides the highest degree of protection to shoreline ecological functions or processes and does not degrade the quality of affected waters or the habitat value associated with the in-stream and riparian area; and
 - b. Placed landward of the ordinary high water mark except for weirs, current deflectors and similar structures whose primary purpose is to protect public bridges, roads, and other public infrastructure; and
 - c. Placed landward of associated wetlands, channel migration zones, and designated habitat conservation areas, except for structures whose primary purpose is to improve ecological functions; and
 - d. Designed to allow for normal groundwater movement and surface runoff. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless they are actually causing bank erosion or higher flood stages; and
 - e. Designed to allow streams to maintain point bars and associated aquatic habitat through normal accretion so that the stream can maintain normal meander progression and maintain most of its natural storage capacity.
 4. When permitted, flood control structures shall be limited to that height required to protect adjacent lands from the predictable annual flood unless it can be demonstrated through hydraulic modeling that a greater height is needed and will not adversely impact shoreline ecological functions and processes.
 5. Solid waste such as motor vehicles, derelict vessels, appliances, or demolition debris shall not be used as part of any flood control structure.
 6. The Administrator shall require flood control structures to be professionally engineered and designed prior to final approval. The design shall be consistent with the Department of Fish and Wildlife Aquatic Habitat Guidelines and other applicable guidance and regulatory requirements.

7. No flood control structure shall be installed or constructed without the developer having obtained all applicable federal, state, and local permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife.
8. To determine that the provisions of this section are fully addressed, the Administrator may require one or more technical studies/reports at the time of permit application for flood control structures unless the Administrator determines that issues are adequately addressed via another regulatory review process. Technical reports required pursuant to this section may include any of the following:
 - a. An analysis of the flood frequency, duration and severity and expected health and safety risks as a rationale and justification for the proposed structure.
 - b. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream 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.
 - c. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources, include species and habitats protected by the federal Endangered Species Act.
 - d. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features.
 - e. A description of proposed plans to remove vegetation and revegetate the site following construction.
 - f. A compensatory mitigation plan to mitigate for any unavoidable adverse impacts.
9. To ensure compliance with the no net loss provisions of this Program, the Administrator may require the proponent to prepare a mitigation plan consistent with Section 4.4 of this Program that describes measures for protecting shoreline and in-stream resources during construction and operation of a flood control structure. The required mitigation shall be commensurate with the value and type of resource or system lost. Mitigation activities shall be monitored by the proponent to determine the effectiveness of the mitigation plan. In instances where the existing mitigation measures are found to be ineffective, the proponent shall take corrective action that satisfies the objectives of the mitigation plan.

3.17 In-stream and In-water Structures

3.17.1 Applicability

In-stream and In-water uses and developments, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations. In-stream/in-water structures associated with boating facilities/moorage are covered in Section 3.14 of this Program. In-stream/in-water structures associated with large utilities such as hydroelectric or wind power generation are covered in Section 3.12 of this Program.

3.17.2 Policies

1. In-stream and in-water structures may be permitted when associated with and necessary for an ecological restoration project, a fish passage project, or an allowed shoreline use/development such as a transportation facility.
2. Recognizing the large number of physical variables to be considered in properly locating and designing in-stream and in-water structures, and the high probability that poorly located and inadequately designed structures will fail and/or adversely affect properties and shore features, such structures should be sited and designed by the project proponent consistent with appropriate engineering principles and guidelines of the Natural Resources Conservation Service, the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife.
3. Project proponents shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species when locating and planning in-stream and in-water structures.
4. In-stream structures should be planned and designed to be compatible with navigation and recreation, especially in shorelines of statewide significance, provided that public safety and ecological protection are fully addressed.
5. Proposals for new in-stream and in-water structures should be evaluated by the Administrator for their potential adverse effects on the physical, hydrological, and biological characteristics as well as effects on species that inhabit the shoreline, riparian area, or nearshore area.
6. The County should review proposals for new in-stream/in-water developments to determine if any such development would thwart or substantially compromise planned restoration actions in the immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between residential development and planned restoration.

3.17.3 Regulations

1. In-stream and in-water structures shall not impede upstream or downstream migration of anadromous fish. All new and replacement structures, including culverts, must be made fish passable in accordance with the most recent Washington State Department of Fish and Wildlife requirements or with the National Marine Fisheries Service guidelines for federally listed salmonid species.
2. All in-water diversion structures shall be designed to permit the natural transport of bedload materials. All debris, overburden, and other waste materials from construction shall be disposed of in such a manner that prevents their entry into a water body.
3. All in-stream and in-water structures shall be designed and installed by a licensed, professional engineer.
4. In-stream and in-water structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters.
5. In-stream structures and their support facilities shall be located and designed to avoid and minimize the need for structural shoreline stabilization.

6. In-stream and in-water structures shall be located and designed to preserve or enhance aquatic habitat and to minimize impacts on the visual and aesthetic quality of the shoreline.
7. During construction in-stream and in-water, all heavy construction equipment and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline functions.
8. Natural in-stream and in-water features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
9. In-stream structures such as, but not limited to, high-flow bypasses, dams, and weirs, may be allowed in Type F, Np, Ns Waters when they are part of a watershed restoration project or identified in watershed planning documents prepared and adopted under Chapter 90.82 RCW, the salmonid recovery plan or Salmon Recovery Board Habitat Project List, and the County's shoreline restoration plan and upon acquisition of any required state or federal permits. The structure shall be designed to avoid adverse effects on stream flow, water quality, or other habitat functions and values.
10. The Administrator shall require the proponent of any in-stream or in-water structure to provide the following information prior to final approval unless the Administrator determines that the issues are adequately addressed via another regulatory review process:
 - a. A description and analysis of alternative sites, and a thorough discussion of the environmental impacts of each; and
 - b. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream 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; and
 - c. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and
 - d. For hydropower facilities, the proposed location and design of powerhouses, penstocks, accessory structures and access and service roads; and
 - e. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features; and
 - f. A description of any plans to remove vegetation and/or revegetate the site following construction; and a proposed mitigation plan that describes, in detail, provisions for protecting in-stream resources during construction and operation, and measures to compensate for impacts that cannot be avoided; and
 - g. A description of sites proposed for the depositing of debris, overburden, and other waste materials generated during construction; and
 - h. Long-term management plans which describe, in sufficient detail, provision for protection of in-stream resources during construction and operation. The plan shall include means for monitoring its success.

3.18 Shoreline Stabilization

3.18.1 Applicability

Shoreline stabilization including structural and non structural stabilization, as defined in Chapter 7, shall be consistent with the following policies and shall conform to the following regulations.

3.18.2 Policies

1. The need to protect shorelines from the effects of erosion should be balanced with the need to protect fish and wildlife habitats and maintain sediment delivery and transport processes, which sustain healthy river and marine nearshore ecosystems.
2. Information about shoreline erosion hazards should be made readily available to existing and prospective shoreline property owners so they are informed about the risks of living in areas that are prone to erosion, channel migration, landslides and other hazards.
3. Unarmored shorelines should be preserved to prevent the future proliferation of bulkheads and other forms of structural shoreline stabilization.
4. Over time, the amount of existing armoring on Clallam County's shores should be reduced in accordance with the targets established by the Puget Sound Partnership. The total amount of armoring removed should be greater than the total amount of new armoring. Feeder bluffs should be a priority for removal of existing armoring and avoidance of new armoring.
5. Non-structural shoreline stabilization measures should be encouraged as a means of protecting structures from erosion. Non-structural shoreline stabilization measures include relocating structures away from the water, enhancing vegetation, managing drainage and runoff, and other measures.
6. New structural shoreline stabilization should be allowed only when necessary to protect existing primary structures, public infrastructure, and/or for essential public facilities when other alternatives are infeasible.
7. New structural and non-structural shoreline stabilization measures should be located, designed, and maintained in a manner that minimizes adverse effects on shoreline ecology, including effects on the project site, adjacent properties, and down-drift or downstream areas.
8. Stabilization structures should be designed based on an understanding of long-term physical shoreline processes. Structural and non-structural shoreline stabilization structures should fit the physical character and hydraulic energy of a specific shoreline reach, which may differ substantially from adjacent reaches.
9. Structural shoreline stabilization should not interfere with existing or future public access to public shorelines nor with other preferred shoreline uses.
10. Voluntary relocation of existing developments that are located in erosion-prone or other hazardous areas should be encouraged when doing so will substantially reduce human health and safety hazards and improve ecological conditions.
11. The County should review proposals for new shoreline stabilization to determine if any such development would thwart or substantially compromise planned restoration actions in the

immediate vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the proposed stabilization and planned restoration.

3.18.3 Regulations – Existing Structural Shoreline Armoring

1. Existing structural shoreline armoring may be replaced in kind if there is a demonstrated need to protect principal uses or structures including residences, public transportation infrastructure, or essential public facilities from erosion caused by currents, tidal action, or waves and all of the following apply:
 - a. The replacement structure performs the same stabilization function of the existing structure and does not require additions to or increases in size.
 - b. The replacement structure shall not encroach waterward of the ordinary high water mark or the existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - c. The replacement structure is designed, located, sized, and constructed to minimize effects on shoreline processes and fish and wildlife habitat.
2. Removal of older structures shall be required as replacement structures are put in place. Exceptions may be made by the Administrator in cases where removal would cause more ecological disturbance to critical saltwater or critical freshwater habitats than leaving the remnant structure in place.
3. For those shoreline protection structures that qualify as a shoreline exemption, the Administrator shall allow for up to a ten percent (10%) increase for any fill placement or removal for the purposes of maintenance for a period of one (1) year from the date of approval of the request; provided that the project complies with Chapter 43.21C RCW, State Environmental Policy Act and all other applicable regulations.
4. Bank stabilization may be permitted on Type F, Np, Ns Waters for the purpose of retarding erosion and protecting legally placed, existing residential structures or essential public facilities/ infrastructure which cannot be moved, subject to all of the following criteria:
 - a. The bank stabilization shall be designed by a civil engineer licensed in the State of Washington with sufficient expertise in hydraulics, hydrology, and/or geomorphology, along with a biologist to assess habitat impacts; and
 - b. The civil engineer shall consider and implement bioengineered stabilization measures unless hydraulic analysis indicates that hard structural stabilization is necessary due to the site conditions; and
 - c. Avoidance or relocation of the structure or improvement that needs protection has been reviewed and is not feasible or practical; and
 - d. Stabilization activities shall minimize any potential negative impacts to the natural functions and processes of the stream; and
 - e. The effects of the stabilization to upstream and downstream properties are clearly disclosed and taken into consideration during the design of the structure; and

- f. The materials used in or near surface waters shall not contain petroleum-based treatments or preservatives, including creosote, copper and arsenic.

3.18.4 Regulations – Subdivisions and Existing Lots without Structures

- 1. Land subdivisions shall be designed to assure that development or use of the established lots will not require structural shoreline armoring in the foreseeable future.
- 2. Use of a bulkhead, revetment or similar shoreline armoring to protect a platted lot where no primary use or structure presently exists shall be prohibited.
- 3. Structural shoreline stabilization for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be prohibited.
- 4. Non-structural shoreline stabilization measures shall be the preferred means of protecting structures from erosion. Non-structural shoreline stabilization measures include relocating structures away from the water, enhancing vegetation, managing drainage and runoff, and other measures.

3.18.5 Regulations – New or Expanded Shoreline Stabilization

- 1. Structural shoreline armoring is prohibited on shorelines mapped as feeder bluff and exceptional feeder bluff (per the March 2012 Shoreline Inventory and Characterization Report). Proponent of new development in mapped feeder bluffs and exceptional feeder bluffs must sign a statement acknowledging the structural armoring is prohibited for the life of the structure.
- 2. New structural and non-structural shoreline stabilization may be allowed and/or existing structural shoreline stabilization may be expanded only when one or more of the following criteria apply:
 - a. When necessary to support a project whose primary purpose is enhancing or restoring ecological functions.
 - b. As part of an effort to remediate hazardous substances pursuant to RCW 70.105.
 - c. When necessary to protect public transportation infrastructure or essential public facilities, where non-structural shoreline stabilization options are infeasible.
 - d. When necessary to protect a water-oriented use or an existing, lawfully established, primary structure, including a residence, where there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves.
- 3. Proposals for new or expanded structural or non-structural shoreline stabilization may be allowed when the proponent demonstrates all of the following:
 - a. The erosion is not being caused by upland conditions, such as the loss of vegetation or poor drainage; and
 - b. The erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope; and

- c. Alternatives to structural shoreline armoring are determined to be infeasible or insufficient; and.
 - d. The structural shoreline stabilization design is the least environmentally damaging alternative; and
 - e. Unavoidable adverse impacts are mitigated according to the prescribed mitigation sequence such that there is no net loss of shoreline ecological functions or processes.
4. When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions all of the following shall apply:
 - a. The size of stabilization measures shall be limited to the minimum necessary.
 - b. Soft approaches shall be used to assure no net loss of shoreline ecological functions, unless such approaches are demonstrated to be inadequate to protect primary structures.
 - c. Effects of new stabilization structures, including replacement structures, on feeder bluffs or beach sediment-producing areas shall be avoided and, if that is not possible, minimized to the maximum extent possible.
 5. Proponents of for new or expanded structural shoreline stabilization may require to provide an assessment of on-site drainage and vegetation characteristics and their effects on slope stability to ensure the requirements of this section are met.

3.18.6 Regulations – Design Standards for New or Expanded Shoreline Stabilization

1. New or expanded shoreline stabilization shall be designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable U.S. Army Corps of Engineers requirements and/or state Department of Fish and Wildlife Aquatic Habitat Guidelines.
2. The size of structural shoreline stabilization shall be limited to the minimum necessary to protect the primary use or structure that it is intended to protect.
3. Shoreline stabilization shall be designed to take into account sea level rise, storm surges and other climate induced effects;
4. Shoreline stabilization shall be designed and constructed with gravel backfill and weep holes so that natural downward movement of surface or groundwater may continue without ponding or saturation that could compromise the surrounding soil stability.
5. Publicly financed or subsidized shoreline erosion control measures shall be designed to not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, ecological restoration and public access improvements shall be incorporated into the stabilization project.
6. Shoreline stabilization structures shall not be constructed with waste materials such as demolition debris, derelict vessels, tires, concrete or any other materials which might have adverse toxic or visual impacts on shoreline areas.

7. Gabions are prohibited as a means of stabilizing shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.

3.18.7 Regulations – Bulkheads

1. Where allowed, bulkheads shall meet all of the following criteria in addition to the other regulations in this section:
 - a. They shall be located generally parallel to the shoreline. Adequate bank toe protection shall be provided to ensure bulkhead stability without relying on additional riprap; and
 - b. They shall be located so as to tie in flush with existing bulkheads on adjoining properties, except when adjoining bulkheads do not comply with the design or location requirements set forth in this Program.

3.18.8 Regulations – Revetments

1. Where allowed, revetments shall meet all of the following criteria in addition to the other regulations in this section:
 - a. They shall be placed landward of associated wetlands; and
 - b. They shall be located sufficiently landward of the stream channel to allow streams to maintain point bars and associated aquatic habitat through normal accretion; and
 - c. They shall be prohibited on estuarine shores, in wetlands, on point and channel bars, and in channel migration zones.
2. When requesting a permit for a revetment along a stream or river, the proponent shall provide a geotechnical analysis of stream geomorphology both upstream and downstream of the proposed revetment site to assess the physical character and hydraulic energy potential of the specific stream reach and adjacent upstream or downstream reaches. The purpose of such analysis is to assure that the physical integrity of the stream corridor is maintained, that stream processes are not adversely affected, and that the revetment would not cause significant damage to other properties or shoreline functions and processes.

3.18.9 Regulations – Breakwaters, Jetties, and Seawalls

1. Breakwaters, jetties, and seawalls shall be allowed when consistent with the Program and they meet all of the following:
 - a. They are shown to be necessary for purposes of navigation or habitat enhancement.
 - b. They are required to protect from strong wave action existing public water-dependent uses such as a harbor, marina, or port that are located seaward of the existing shoreline.
 - c. Adverse impacts on water circulation, sediment transport, fish and wildlife migration, shellfish, and aquatic vegetation can be effectively mitigated.
2. Open-pile, floating, portable, or submerged breakwaters, or several smaller discontinuous structures that are anchored in place, shall be preferred over fixed breakwaters.

3.18.10 Regulations – Application Requirements

1. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions shall not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
2. To verify that the provisions of this section are fully addressed, the Administrator may require information to support a permit application for any type of shoreline stabilization. The Administrator shall consult with the appropriate state and federal natural resources agencies to determine the type and level of information that should be provided. Application information required pursuant to this section shall address the urgency and risks associated with the specific site characteristics and shall include:
 - a. A scaled site plan showing: (1) existing site topography, and (2) the location of existing and proposed shoreline stabilization structures, and any fill including dimensions indicating distances to the ordinary high water mark; and
 - b. A description of the processes affecting the site and surrounding areas, including but not limited to tidal action and/or waves; slope instability or mass wasting; littoral drift; channel migration; and soil erosion, deposition, or accretion; and
 - c. A description of alternatives to structural approaches, and a thorough discussion of the environmental impacts of each alternative; and
 - d. A description of any proposed vegetation removal and a plan to revegetate the site following construction; and
 - e. A hydraulic analysis prepared by a qualified hydrologist, professional engineer, geotechnical engineer or engineering geologist that describes anticipated effects of the project on water and wave elevations and velocities; and
 - f. A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and
 - g. A description of opportunities for providing public access to and along the affected shoreline, as well as any proposed on-site recreational features, if applicable; and
 - h. A description of any waste and debris disposal sites for materials generated during construction; and
 - i. Any other information that may be required by the Administrator to demonstrate compliance with the review criteria referenced in this section.