IN THE MATTER OF TRANSMITTING THE DRAFT AMENDMENTS TO CHARTERS 17.03 AND 17.05A OF ISLAND COUNTY CODE, ELEMENT 3 OF THE COMPREHENSIVE PLAN, AND THE SHORELINE ENVIRONMENT DESIGNATION MAP TO THE WASHINGTON DEPARTMENT OF ECOLOGY FOR INITIAL REVIEW, AS A PART OF THE PERIODIC UPDATE OF THE ISLAND COUNTY SHORELINE MASTER PROGRAM IN ACCORDANCE WITH THE OPTIONAL JOINT REVIEW PROCESS OF WAC 173-26-104

RESOLUTION NO. C- PLG-003-21

WHEREAS, the State of Washington Shoreline Management Act of 1971, Chapter 90.58 RCW (Act), requires counties and cities to prepare shoreline master programs (SMPs) to prevent the uncoordinated and piecemeal development on shorelines of the state; and

WHEREAS, pursuant to RCW 90.58.050, Island County and the Washington State Department of Ecology (Ecology) are to work together cooperatively, with the local government having the primary responsibility for initiating the planning required and Ecology acting primarily in a supportive and review capacity; and

WHEREAS, in 2003, Ecology adopted new rules pursuant to RCW 90.58.200, which gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations, which became effective January 17, 2004; and

WHEREAS, the SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish minimum standards for updating local shoreline master programs; and

WHEREAS, RCW 90.58.080(2) required counties and cities to develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted in Chapter 173-26 WAC; and

WHEREAS, on December 15, 2015 Island County adopted Ordinance C-107-15, In the Matter of Updating and Adopting Amendments to the Shoreline Management Element of the Island County Comprehensive Plan and Adoption of Chapter 17.05A ICC to Replace Chapters 16.21 and 17.05 ICC; and

WHEREAS, January 19, 2016, Ordinance C-107-15 became effective establishing Island County’s Shoreline Master Program under the new guidelines of Chapter 173-26 WAC; and

WHEREAS, WAC 173-26-090 requires that following the comprehensive updates required by RCW 90.58.080(2), each local government conduct a review of their master program at least once every eight years on a schedule established in the act; and following the review, local governments shall, if necessary, revise their master programs; and this review and revision is referred to as a periodic review; and

WHEREAS, an agreement was entered into on February 7, 2020 between the State of Washington, Department of Ecology, and Island County, Washington to provide state funds of up to $84,000 for the County to review and prepare associated updates to the locally adopted Shoreline Master Program consistent with the conditions of Agreement No. SEASMP-1921-IslCo-00005; and

WHEREAS, the Island County Planning and Community Development Department established a Scope of Work for the periodic review and update, which focused on staff-initiated revisions, changes to address amendments to state law, rules, and guidelines, corrections to shoreline mapping, and changes to address sea level rise; and
WHEREAS, the Island County Planning and Community Development Department prepared proposed amendments to the Island County Shoreline Master Program, consisting of amendments to the goals and policies of the Shoreline Management Element of the Comprehensive Plan and amendments to Chapters 17.03 and 17.05A ICC, the implementing shoreline regulations; and

WHEREAS, the Island County Planning and Community Development Department prepared a revised Shoreline Environment designations map, correcting inaccuracies to the mapping of shoreline jurisdictional and shoreline associated wetlands as well as applying the criteria of ICC 17.05A.070 to map all Historic Beach Communities; and

WHEREAS, the Island County Planning and Community Development Department prepared guidance for individual property owners and shoreline communities on planning for Sea Level Rise; and

WHEREAS, Island County formed a Technical Review Committee (TRC) consisting of property owners, stakeholders, development professionals, land use consultants, and representatives from environmental organizations, the conservation districts, and ports to gather input on the proposed updates; and

WHEREAS, the TRC held 6 advisory group meetings during the course of the update, the Planning Commission held 10 public meetings, and the Board of Island County Commissioners (BOCC) held 11 public meetings; and

WHEREAS, the Island County Planning and Community Development Department prepared a completed environmental checklist and issued a Determination of Non-Significance on April 2, 2021 in accordance with WAC 197-11-340; and

WHEREAS, Island County and Ecology held a joint 30-day public comment period from March 26, 2021 through April 25, 2021 during which a joint public comment hearing was held to receive comments on the proposed draft; and

WHEREAS, during the 30-day public comment period, Island County received written comments from 13 unique individuals or organizations and six of those individuals or organizations also provided spoken comments during the joint hearing; and

WHEREAS, the Island County Planning and Community Development Department prepared a public comment matrix documenting the comments received and any resulting changes made to the draft, which was then presented during a public meeting to the Planning Commission on April 26, 2021 and to the Board of County Commissioners on April 21, 2021; and

WHEREAS, the Island County Planning and Community Development Department provided 60 day notice and transmitted the draft regulations to the Washington State Department of Commerce on April 29, 2021, in accordance with RCW 36.70A.106;

WHEREAS, the Island County Planning Commission held a public hearing on May 17, 2021 and recommended the Board of County Commissioners to formally transmit the proposed draft amendments to Chapters 17.03 and 17.05A of Island County Code, Element 3 of the Comprehensive Plan, and the Shoreline Environment Designation Map; NOW, THEREFORE,
IT IS HEREBY RESOLVED that the Board of Island County Commissioners hereby transmits the proposed draft amendments enclosed hereto as Exhibits A, B, C, D, E, and F to the Washington State Department of Ecology for initial review of consistency with RCW 90.58.020 and applicable guidelines, per the optional joint review process outlined in WAC 173-26-104.

ADOPTED this _____ day of ____________________, 2021.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

_______________________________
JILL JOHNSON, Chair

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MELANIE BACON, Member

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JANET ST. CLAIR, Member

ATTEST:

_______________________________
Virginia Shaddy
Clerk of the Board
Amendments to Island County Code Chapters:
17.03 ICC
17.05A ICC
Chapter 17.03
Island County Zoning Code

17.03.180 – Land Use Standards.

S. Site Coverage and Setbacks.

7. General exceptions to setback requirements:

8. Special shoreline setbacks. Chapter 17.05A ICC provides for setbacks within shoreline jurisdiction which may differ from those provided above, in which case the most restrictive applies.

   a. The standard shoreline setback for dwelling units shall be fifty (50) feet landward of the OHWM except for the conservancy and natural environments, where the setback shall be seventy-five (75) feet landward of the OHWM.

   b. A greater setback may be required if necessary to comply with the grading, geologically hazardous area, erosion control and drainage requirements of chapter 11.02 and chapter 11.03 and/or the critical areas regulations contained in chapter 17.02B.

   c. For the purpose of accommodating shoreline views within existing developed areas. Setbacks for residential uses may be reduced consistent with the following:

      (i) Where there are existing principal residences that encroach on the established setback within 240 feet of either side of the proposed building footprint, the required setback for the proposed structure may be reduced by review and approval of the Shoreline Administrator. In such cases, the setback of the proposed residential structures may be reduced to the average of the setbacks of the existing adjacent principal residences.

      (ii) In those instances where only one (1) existing principal residence is within 240 feet of either side of the proposed building site, the setback of the proposed structure may be reduced (with approval of the administrator) to the average of the setbacks for the existing adjacent principal residence and the applicable setback for the adjacent vacant parcel.

      (iii) The reduced setbacks applied above shall not be less than twenty-five (25) feet landward of the OHWM except for the natural and conservancy environments, where the minimum shall be fifty (50) feet, unless required to comply with the setback requirements of this chapter and chapter 47.02B.

T. Small-scale recreation and tourist uses.

...
Chapter 17.05A
Shoreline Master Program Regulations and Procedures

17.05A.050 - Applicability.

A. This Shoreline Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state government agency, public or municipal corporation, or other nonfederal entity which develops, owns, leases, or administers lands, wetlands, or waters subject to this Shoreline Master Program.

B. This Shoreline Master Program applies to all "development" as defined by this chapter and RCW 90.58, whether or not a shoreline permit or statement of permit exemption is required. All proposed uses, activities, and development occurring within shoreline jurisdiction shall comply with this Shoreline Master Program and RCW 90.58.

1. Requirements to obtain a shoreline substantial development permit, shoreline conditional use permit, shoreline variance, shoreline exemption, or other shoreline review to implement the Shoreline Management Act do not apply to lands under exclusive federal jurisdiction.

C. Applicability to federal agencies.

1. The policies and provisions of Chapter 90.58 RCW and this Shoreline Master Program shall be applied to federal lands and agencies as provided by the Coastal Zone Management Act (Title 16 United States Code § 1451 et seq.) and Washington Administrative Code (WAC) 173-27-060(1) and (3).

2. The requirements of this chapter shall apply to nonfederal activities undertaken on lands subject to nonfederal lease or easement, even though such lands may be under federal ownership.

3. The shoreline permit system shall apply to substantial developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the Federal government.

4. The provisions of this program shall not apply to lands held in trust by the United States for Indian Nations, tribes, or individuals.

F. Developments not required to obtain shoreline permits or local reviews

1. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

   a. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

   b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an
existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

c. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

d. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

e. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

17.05A.060 - Shoreline environment designations and maps.

A. Shorelines of the state within Island County shall be designated on official shoreline maps to be kept in the office of the Island County Planning and Community Development Department. (See Appendix: Island County Shoreline Environment Designations Map.)

B. Shorelines shall be categorized into shoreline environment designations using the following six (6) designations: aAquatic, rNatural, rRural eConservancy, uUrban eConservancy, sShoreline rResidential, and bHigh intensity. The sShoreline rResidential designation includes the sub-designations of sShoreline rResidential-cCanal cCommunity and sShoreline rResidential-hHistoric bBeach cCommunity. For each shoreline designation, this section establishes the purpose and the criteria that are to be applied in establishing the extent of each designation.

C. In accordance with WAC 173-26-211, undesignated shorelines shall be automatically assigned an environment designation of Rural Conservancy.

CD. Whenever there is a conflict between parcel or other administrative boundaries the descriptions of shoreline environment designations and the mapped boundaries of the shoreline environment designations the county will rely on criteria contained in SMP chapter III (shoreline environment designations), RCW 90.58.030(2), and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map. When the Planning Director finds that a County map is in error, a correction shall be approved as a Type I ministerial decision pursuant to Chapter 16.19 ICC. Changes to shoreline environment designations other than those covered by this section shall only be made through a Comprehensive Plan Amendment or the periodic review process.

DE. Aquatic shoreline environment designation.

1. Purpose: The purpose of the aquatic designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

2. Criteria for designation: Areas designated Aquatic should meet one (1) or more of the following criteria:

   a. All saltwater areas waterward of the ordinary high water mark, including estuarine channels and coastal lagoons, other than those designated high intensity.
b. All SMA jurisdiction freshwater lakes waterward of the ordinary high water mark, to specifically include the following.
   (i) Deer Lake;
   (ii) Lone Lake;
   (iii) Goss Lake;
   (iv) Cranberry Lake; and
   (v) Kristoferson Lake.

EF. Natural shoreline environment designation.
   ...

EG. Rural conservancy shoreline environment designation.
   ...

GH. Urban conservancy shoreline environment designation.
   ...

HJ. Shoreline residential shoreline environment designation.
   ...

3. Shoreline rResidential-cCanal cCommunity and sShoreline rResidential-hHistoric bBeach cCommunity are higher density residential areas adjacent to manmade canals or low bank marine shorelines that have historical platting and development patterns no longer allowed by zoning or the SMP. These waterfront lots are designated and mapped based on approved subdivision limits and are subject to the regulations for sShoreline rResidential designated areas, except when regulations specifically state that a regulation applies only to these specific communities.

4. Island County Historic Beach Communities include small parcels and historically dense shoreline neighborhoods following platted subdivisions and other similarly situated plats meeting the definition of hHistoric bBeach cCommunity set forth in section 17.05A.070. Historic Beach Communities shall be designated and mapped by the county as an overlay of the Shoreline Environment Designation map.

   Madrona Beach (auditors file # 3997780 Nov. 1926)
   Maple Grove Beach (auditors file # 3997763 Sept. 1930)
   Maple Grove Beach No. 2 (auditors file # 3997761 Oct. 1930)
   1st Addition Maple Grove Beach #2 (auditors file # 3997741 Oct. 1941)
   Sunnyshore Acres (auditors file # 3997776 Aug. 1928)
   Tyee Beach (auditors file # 3997748 July 1939)
   Juniper Beach (auditors file # 3997784 June 1920)
Pebble Beach Div. I (auditors file # 3997764 Aug. 1930)
Utsalady (auditors file # 3997706 Apr. 1881)
Utsalady Beach (auditors file # 3997814 Nov. 1950)
Columbia Beach (auditors file # 3998015 Aug. 1961)
Clinton Beach (auditors file # 3997789 Sept. 1920)
Bush Point Beach (auditors file # 3998106 Sept. 1967)
Pattons Beachwood Manor (auditors file # 3998033 Feb. 1966)
Hidden Beach Lots (auditors file # 3998078 Aug. 1964)
Whidbey Shores (auditors file # 3997878 May 1961)
Saratoga (auditors file # 3997698 June 1907)
Bell's Beach Waterfront Tracts (auditors file # 3997743 Dec. 1941)
Moonwink Div. I (auditors file # 3999017 Oct. 1971)
Maxwelton Beach (North of Swede Hill Road, Maxwelton Rd., and Mill Beach Lane)
Possession Beach Walk (R32812-010-0100, R32812-054-0130, R32812-067-0130)
Sunlight Beach (S8220-01-00038-0, S8220-01-00040-0, S8220-01-00007-0, S8220-00-00004-0, S8220-00-00006-0, S8220-00-00007-0, S8220-00-00008-0, S8220-00-00009-0, S8220-00-00039-0, and S8220-00-00040-0)
Shore Ave. (R22923-153-3900, S6080-00-00001-0, S6080-00-00001-0, S6080-00-00003-0, & S6080-00-00004-0)
Sandy Point (lots R32902-458-3820, R32902-459-3950, R32902-460-4020, S8080-00-02001-0, S8080-00-02002-0, S8080-00-02003-0, and S8080-00-02004-0 on west end of Whale Walks)
West Beach and Seaview (Beachwood Drive/Whitecap Lane S7675-00-00001-0, S7675-00-00003-0, S7675-00-00004-0, S7675-00-00005-0, S7675-00-00006-0, & S7675-00-00007-0; W Crosby Rd., going south along W Beach Rd., starting at S7700-00-0000A-0 and ending at S8385-00-00020-0)
17.05A.070 - Definitions.

Words used in this chapter, unless defined herein or the context clearly otherwise implies, shall assume the definitions contained in Chapter 90.58 RCW, as now or hereafter amended, and such guidelines as have been, or may be, adopted pursuant to Chapter 90.58 RCW, including WAC 173-26. Definitions that are provided in other titles, chapters, and sections of the Island County Code shall apply in the interpretation and enforcement of this chapter. When not inconsistent with the context, words used in the present tense shall include the future, the singular shall include the plural, and the plural the singular.

**Accessory use or building** means a use, structure or building customarily considered to be incidental to or secondary to a permitted use or an approved conditional use on the property or on adjacent properties under the same ownership. Examples of accessory buildings or structures include, but are not limited to, sheds, shops, garages, greenhouses, barns, guest cottage, etc.

**Accretion shoreform** means shoreline with a backshore which has been produced by the long-term deposition of sand or gravel by littoral drift from a feeder bluff or other source. Such shoreforms include barrier beaches, points, spits, and hooks.

**Act** means Shoreline Management Act of 1971, Chapter 90.58 RCW (also SMA or Act).

**Administrator.** See Shoreline Administrator.

**Adverse impact or effect** means the result of a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions or reduces ecological functions or values.

**Affected tribe** means any tribe recognized by the federal government and subject to established treaty rights whose ancestral villages, campsites, grave sites, fishing sites, or other territory within the county may be impacted by a proposed development project in or near an archaeological site.

**Agriculture** means the cultivation of soil, production of plant crops, or the raising of livestock.

**Agricultural activities** means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

**Agricultural land** means specific land areas on which agriculture activities are conducted.

**Alteration** means any human activity which results or is likely to result in an impact to existing vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities.

**Alteration, nonconforming structures** means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or ingress or any enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.

**Alteration, nonconforming use** means the expansion, modification or intensification of a use that does not conform to the land use regulations of this program.

**Appurtenance.** See normal appurtenance.
Aquaculture means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. Aquaculture is of statewide interest.

Aquaculture, commercial means commercial aquaculture is the cultivation or farming of fish, shellfish or other aquatic plants and animals for sale.

Aquaculture, non-commercial means the cultivation or farming of fish, shellfish or other aquatic plants and animals for personal consumption, research, or restoration or enhancement of native species.

Archaeology means the systematic, scientific study of material remains of past human life and activity. In Island County examples include shell middens, lithic sites, earthworks, rock cairns, and burial grounds. While shell middens and burial grounds are strongly associated with shorelines, the other types may also be found within the shorelines of the county.

Baseline (for no net loss) means shoreline ecological conditions existing as documented in the Island County Shoreline Master Program Shoreline Inventory and Characterization report dated March, 2012.

Beach Access Structure means a permanent or temporary structural pathway/walkway whether installed on, above, or below the surface of the ground or water, for purposes of providing pedestrian access to a beach or shoreline area, not for motorized vehicle access. It often includes a stairway, tram, elevator, stair tower, platform and/or elevated walkway anchored to the ground surface by structural means.

Beach enhancement or restoration means process of restoring a beach to a state more closely resembling a natural beach using beach feeding, vegetation, drift sills, or other non-intrusive means, as applicable.

Beach feeding means process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

Berm means a linear mound or series of mounds of sand or gravel generally paralleling the water at or landward of the line of ordinary high tide.

Best available science means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 356-195-900 through 356-195-925. Sources of best available science are included in Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas published by the Washington State Department of Commerce. The term “best available science” as used in this title includes the most current, accurate and complete scientific and technical information available as contemplated under WAC 173-26-201(2)(a). Projected Sea Level Rise for Washington State, a 2018 Assessment (or as amended), is considered the best available science for sea level rise.

Board or BOCC means Board of Island County Commissioners.

Boat means vessels less than twenty tons which are designed and used as a private pleasure craft for navigation and travel on water, are propelled by paddles, oars, sails, or one or more internal combustion engine(s), and do not interfere with the normal public use of the water.

Boathouse means a structure specifically designed or used for the storage of boats.

Boat launch or ramp means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device. A boat launch also includes associated wash station and parking.

Boat lift means a mechanical device, without a canopy, that can hoist vessels out of the water for storage, commonly located along a pier. A boat lift is to be differentiated from a hoist or crane used for the launching or haul-out of vessels.

Boating facility means any public or private facility for storing or launching vessels or watercraft. This includes marinas, open water moorage and anchorage areas, boat launch ramps, boat lifts, mooring buoys, piers, floats and docks, or any other similar single-user or shared-use facility for public recreational use or private residential use. For purposes of this Program, upland boat storage structures such as boathouses,
boat repair shops, and other similar structures, and docks serving four (4) or fewer single-family residences are not considered boating facilities.

**Bog** means a relatively undisturbed wetland: with at least seventy (70) percent ground cover of mosses; or with water with a pH of less than 5.0; or with more than thirty (30) percent cover of Sitka Spruce, Western Red Cedar, Western Hemlock or Lodgepole Pine; and a preponderance of plants that are listed as bog species in Table 4 of the Washington State Wetland Rating System for Western Washington 2014 Update prepared by the Washington State Department of Ecology; and having peat or muck soils at least sixteen (16) inches deep. Many bogs are fed largely by precipitation. County maps identify the location of some but not all bogs. See also "Relict bog."

**Breakwater** means protective structures which are normally built offshore to protect beaches, bluffs, dunes, or harbor areas from wave action.

**Buffer** means the landward area adjacent to the OHWM, measured in feet, which protects the SMA waterbody from alterations caused by a development proposal. Buffers are established based on the shoreline environment designation. A buffer is measured horizontally and perpendicular from the ordinary high water mark, it runs parallel to the ordinary high water mark, and it includes the three-dimensional airspace above.

**Buffer area** means a parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife, to regulate temperature and microclimate, preserve water quality, and allow for adaptation to sea level rise and environmental change, and to afford limited public access.

**Bulkhead** means a form of structural shoreline stabilization erected parallel to and near the ordinary high water mark for the purpose of stabilizing a slope and preventing natural shoreline erosion to protect the adjacent structures from the action of waves or currents.

**Buoy** means a float attached by rope to the seabed to mark channels in a harbor or underwater hazards, or to be used to moor a boat in a harbor or channel, an anchoring system for mooring vessels or navigational aids. Mooring buoys typically include an anchor, anchor line and a white, cylindrical float to mark its location. Navigational aids have an anchor, anchor line and different types of surface floats to mark navigation channels or underwater hazards.

**Campground and camping facilities** means facilities in which sites are offered for persons using tents or other personal, portable overnight shelters. Campgrounds are for short-term stays and do not include trailer parks.

**Campground, marine** means a campground where camping is restricted to users that access the site by water.

**Canal community** means the communities of Lagoon Point, Sandy Hook, and Mariners’ Cove are discrete residential communities developed along engineered canals. The locations and boundaries of the canal communities are designated on official shoreline maps to be kept in the office of the Island County Planning and Community Development Department.

**Canopy** means a cover installed as a component of a boat lift.

**Clearing** means the cutting and removal of vegetation by mechanical or chemical methods.

**Coastal lagoon wetland** means a shallow water body adjacent to marine waters that is partly or completely separated from Puget Sound by a barrier beach. A coastal lagoon receives periodic influxes of salt water which may occur from storm surges or flow through porous beach sediments. The water in a coastal lagoon is saline or brackish (>0.5 ppt measured near the bottom) during most of the year. Coastal lagoon wetlands have a constricted outlet or no direct outlet to the marine environment, differing from estuarine wetlands that have direct tidal exchange. The general locations of coastal lagoons have been mapped by the County and are subject to the provisions of chapter 90.58 RCW (Shoreline Management Act), and chapter 17.05A.

**Commercial development** means a business use or activity involving retail or wholesale marketing of goods and services as defined in chapter 17.03. This definition does not include bed and breakfast inns.
or country inns, which are named as specific uses in the shoreline use table in section 17.05A.080. This definition does not include home industry and home occupation, which are defined in 17.03.040 and are incidental to and secondary to residential uses.

**Commercial-industrial pier or dock** means a pier or dock including a gangway and/or float which is intended for any commercial or industrial use other than storage or moorage of boats used for recreational purposes.

**Community beach** means a beach area jointly owned by a homeowners association for use of the neighborhood.

**Community pier or dock** means a pier or dock including a gangway and/or float which is intended for use in common by lot owners or residents of a subdivision, Homeowner’s Association (HOA), or residential planned development district.

**Compensatory mitigation** means the restoration (re-establishment or rehabilitation), establishment (creation), and enhancement for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved. Mitigation ratios are based on extent of proposed impact to regulated marine and near-shore ecosystems as determined by submitted environmental reports.

**Conditional uses, shoreline** means a use or development which requires issuance of a shoreline conditional use permit pursuant to the use table in section 17.05A.080 or a use which is not classified within the SMP. Conditional uses must be evaluated according to the review criteria established in WAC 173-27-160.

**Consumer price index** means for any calendar year, that year's annual average Consumer Price Index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one (1) month before the new dollar threshold is to take effect.

**Contributing area** means the land and/or water area uphill from a wetland that drains into that wetland. Contributing area is used to determine the sensitivity of a wetland to adverse water quality impacts and the size of the water quality buffer needed to protect wetland functions.

**Covered moorage** means a pier, or float, or system of floats covered by a roof.

**Critical areas** means wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

**Critical saltwater habitat** includes the following areas within marine shorelines: mudflats and intertidal habitats with vascular plants; subsistence, commercial and recreational shellfish beds; kelp and eelgrass beds; spawning and holding areas for forage fish, such as herring, smelt, and sand lance; and areas with which priority species, as defined by WAC 173-26-020(29), have a primary association.

**Deep water habitats or ponds** means any open freshwater area that has a mean annual water depth greater than 6.6 feet, lacks soil, and/or is either unvegetated or supports only floating or submerged macrophytes, and is not a lake as defined in the Island County Shoreline Master Program or this chapter. Many such areas were in part or in whole, artificially constructed within wetlands prior to 1998; these are subject to regulation under the provisions of this chapter. Rarely, some such areas were wholly constructed in upland soils (non-hydric) and would not be regulated as either wetlands or as fish and wildlife habitat areas.

**Delta estuary** means an area of alluvial deposits from the Skagit or Stillaguamish Rivers where the surrounding marine water is measurably diluted by fresh water from these rivers. The general location of the delta estuary has been mapped by the County and is subject to the provisions of chapter 90.58 RCW (Shoreline Management Act), and chapter 17.05A.

**Delta estuary wetland** means an estuarine wetland located directly adjacent to or within a delta estuary.
Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any state of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development.

Dike means a system of one or more levees or banks, usually constructed of earth to control or confine water and create a protection against tidal or floodwaters.

Disabled (person) means a person likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history (RCW 74.62.030).

Dock means a structure which abuts the shoreline and is generally used as a landing or moorage place for commercial or pleasure craft. A mooring platform (e.g., pier, ramp, drive-on floating boat lift, or float) that extends waterward of the OHWM but due to topography, critical areas, etc. may also extend landward of the OHWM to provide a connection to land. Waterward of the OHWM they are held in place with pilings/anchors. Pilings located around their perimeter (whether detached or attached) that are not utilized to hold the dock in place but instead utilized for berthing/mooring to that facility (e.g., dolphins) shall be considered part of the dock.

Dolphin means a cluster of piles used as a fender, as at the entrance to a dock.

Dredging means the removal of earth, sand, gravel, silt, or debris from the bottom of a stream, river, lake, bay, or other water body for the purpose of deepening a navigational channel, or to obtain use of the bottom materials for fill. Dredging includes any harvesting of natural resources by any mechanical or hydraulic means which involves substrate displacement or disturbance. Dredging does not include removal of obstructions or sediment as part of regular maintenance and repair of infrastructure.

Drift cell (drift sector or littoral cell) means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

Drive-on floating boat lift means a mooring platform onto which a boat can be driven, for the purposes of storing the boat above the surface of the water. Drive-on floating boat lifts are generally secured to a dock or pier and have no moving parts.

Dune means a hill or ridge of sand deposited by wind or wave action.

Ecological functions means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

Ecological processes means ecological processes, ecosystem processes, or ecosystem-wide processes means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; the presence of living, functioning organisms; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Ecosystem-wide processes means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Emergency means an unanticipated and imminent threat to public health, safety, or the environment which requires immediate actions within a time too short to allow full compliance.

Exceptional feeder bluff means a shoreline bluff area with substantial sediment input into the netshore drift system with a shorter recurrence interval as compared to a non-exceptional feeder bluff, as
identified on a map available from Island County Department of Community Development. Exceptional feeder bluffs can be identified by the general absence of vegetative cover or portions of the bluff face fully exposed. Other indicators include the presence of slide debris, boulder or cobble lag deposits, and fallen trees across the beachface. Exceptional feeder bluff segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.

**Existing lot** means a lot or parcel of land which was legally established and recorded with the County Auditor as a fractional part of divided lands having fixed boundaries prior to adoption of this chapter and consistent with chapter 17.03.

**Expansion** means any structural modification, which increases the existing structure’s envelope, footprint, or volume.

**Experimental aquaculture** means an aquaculture project that uses methods or technologies which are unprecedented or unproven.

**Extreme low tide** means the lowest line on the tidelands reached by a receding tide.

**Feasible** means, for the purpose of this title, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project’s primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term timeframes.

**Feeder bluff** means a coastal bluff that, as a result of its natural erosion, delivers sand and gravel to the beach that is subsequently transported by waves and currents along the shoreline to maintain beaches and accretion shoreforms elsewhere within the local drift cell.

**Feedlot** means an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for livestock feeding or grazing, nor shall it include normal livestock wintering operations.

**Fender** means a device installed adjacent to a dock to lessen shock and prevent chafing. A pile or a row or cluster of piles placed to protect a dock or ferry loading ramp from damage by docking vessels.

**Ferry terminal (includes dolphins, ramp, ticket booths, and waiting structures)** means piers, docks and associated dolphins, ramps, fenders, floats, ticketing structures, and waiting structures associated with the loading and landing of vehicle and passenger ferry vessels.

**Fetch** means the distance across a body of water measured in a straight line from the most waterward point along the ordinary high water line or lawfully established bulkhead on a given stretch of shoreline to the closest point on the ordinary high water line or lawfully established bulkhead on a separate stretch of shoreline.

**Fill** means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

**Finfish facility** means rearing facilities where finfish are hatched, fed, nurtured, held, maintained, or reared for commercial purposes or harvest. This includes fish farms, fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities. Facilities that discharge or allow the exchange of unfiltered water into waters of the state are "open." Facilities that do not discharge or allow the exchange of unfiltered water into waters of the state are "contained."
Fish and wildlife habitat conservation areas means critical areas and their associated buffers including the following:

1. Areas with which endangered, threatened, sensitive, and priority species listed by the federal or state government have a primary association;
2. Areas that are priority habitats as listed by the Washington Department of Fish and Wildlife;
3. Streams;
4. Commercial and recreational shellfish beds;
5. Kelp and eelgrass beds;
6. Herring, smelt, and sand lance spawning and holding areas;
7. Priority habitat areas for marine shellfish, including but not limited to pandalid shrimp, Dungeness crab, geoduck, hardshell clam, subtidal hardshell clam, and red sea urchin;
8. Areas with which priority species, as defined by WAC 173-26-020(2931), have a primary association;
9. State natural area preserves;
10. State natural resource conservation areas;
11. Species and habitats of local importance;
12. Flora species included in the protected species list; and
13. All areas designated by the Department of Natural Resources ("DNR") through the Washington Natural Heritage Program as high quality wetland ecosystems and high quality terrestrial ecosystems and shown on a map prepared by Island County dated October 11, 1999.
14. The shoreline marine buffer as outlined in ICC 17.05A.080 shall also be regulated as a fish and wildlife habitat conservation area buffer for those marine habitats listed above.

Float means a floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or may be a standalone structure, such as platforms used for swimming and diving.

Float plane base means a transportation facility consisting of multiple float plane docks, which is used exclusively by aircraft that take off and land directly on the water.

Float plane means a structure which abuts the shoreline and is generally used as a landing or moorage place for commercial or pleasure aircraft. A mooring platform (e.g., pier, ramp or float) that extends waterward of the OHWM but due to topography, critical areas, etc. may also extend landward of the OHWM to provide a connection to land. Waterward of the OHWM they are held in place with pilings/anchors. Pilings located around their perimeter (whether detached or attached) that are not utilized to hold the dock in place but instead utilized for berthing/mooring to that facility (e.g., dolphins) shall be considered part of the dock.

Floating home means a floating home is a building constructed on a float, used in whole or in part as a dwelling, and not a vessel, and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and by the lack of adequate self propulsion to operate as a vessel.

Floating on-water residence means any floating structure other than a floating home that is designed or used primarily as a residence on the water and has detachable utilities, and whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Flood control works means structural techniques for area-wide flood control, including but not limited to berms, rock rip-raps, sandbags, application of soil cements to slopes, drainage channels.
levees, dikes, dams, and retention or detention basins. Raising single-family residential structures above base flood elevation is not considered flood control works.

**Floodplain (100-year)** means the land area susceptible to inundation with a one-percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

**Flushing capacity** means the ability of a water body to completely renew the volume of water it retains.

**Forest practice permit** means a permit which is required for the removal of five thousand board feet or more of merchantable timber. Class IV—General forest practice permits are administered by the Department of Natural Resources. This permit is often approved as an adjunct to another development permit such as a building permit or residential subdivision.

**Forest practices** means activities conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control. See WAC 222-16-010.

**Gabions** means a form of structural shoreline stabilization composed of masses of rocks, rubble or masonry held tightly together, usually by wire mesh, so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

**Geologically hazardous areas** means those areas that because of their susceptibility to erosion, sliding, or other geologic events, are generally not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns, including:

1. Erosion hazard areas including areas designated in the Department of Ecology Coastal Zone Atlas dated April 1979, as it may be amended or revised, as land which has had recent or historical slide activity or has unstable slope conditions, including those lands within 100 feet (either top or base) thereof, and other areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.

2. Landslide hazard areas including:
   a. Areas with all three (3) of the following characteristics:
      i. Slopes steeper than fifteen (15) percent;
      ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
      iii. Springs or groundwater seepage.
   b. Areas that have shown movement during the holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of this epoch;
   c. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
   d. Slopes having gradients steeper than eighty (80) percent subject to rockfall during seismic shaking;
   e. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones; and
   f. Any area with a slope of forty (40) percent or steeper and with a vertical relief of ten (10) or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief.

3. Seismic hazard areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting, or tsunamis.
Geotechnical analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grade level (average) means calculation made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

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

Groin means structures designed to modify or control water flow and sand movement.

Ground floor means the floor of a structure or building that is approximately level with the ground.

Hazard tree means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

Hearings Board means the Shoreline Hearings Board (not the Growth Management Hearing Board(s)).

Height, building means the vertical dimension measured from average grade to the highest point of a structure; provided that antennas, chimneys, and similar appurtenances shall not be used in calculating height, unless such appurtenance obstructs the view of a substantial number of adjacent residences.

High intensity agriculture shall mean existing and on-going agriculture including dairies, animal feeding operations and concentrated animal feeding operations as those terms are used in federal and state regulations and livestock operations with an animal unit density greater than three (3) per acre.

Historic beach community means limited areas within the shoreline of Island County that have been platted in a dense pattern with small lots and greater impervious surface relative to other areas of the county. The existing marine waterfront lots are generally developed with residential structures constructed approximately thirty (30) feet or less from the ordinary high water mark and the original structures were established prior to enactment of the Shoreline Management Act.

Houseboat means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities, anchoring, and the presence of adequate self-propulsion to operate as a vessel.

Industrial means a use relating to or concerning the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction. This definition also does not include home industry and home occupation, which are defined in 17.03.040 and are incidental to and secondary to residential uses.

In-water facilities means boat-launching facilities, marinas, visitor docks, mooring buoys, residential docks, floats, seaplane access and moorage, docking facilities for cruise boats, and waterborne transportation facilities.

In-water fill means activities that involve the addition of soil, sand, rock, gravel, earth retaining structure, or other material to an area waterward of the ordinary high water mark or in shorelands in a manner that raises the elevation or creates dry land.

Impervious surface means a surface area that prevents or impedes infiltration of water into the soil mantle; or retards the infiltration of water into the soil mantle such that it causes water to run off the surface.
in greater quantities or at a greater rate of flow than under natural conditions. Common impervious surfaces include roof tops including eaves, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled surfaces. Open, uncovered retention or detention facilities are not considered impervious surfaces. Decks with gaps of at least 1/8” between boards located over a pervious surface shall be considered pervious.

**Illegal use** means any unapproved use of land or structure which is inconsistent with current codes and/or was inconsistent with previous codes in effect when the use or structure was established. An illegal use is different than a nonconforming use.

**Infrastructure** means facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

**Infrastructure, public** means infrastructure owned or available for use by the public.

**Jetty** means jetties are structures designed to modify or control water flow and sand movement and are generally employed at inlets for the purpose of improving navigation.

**Joint use pier or dock** means a pier or dock including a gangway and/or float which is intended for private, noncommercial use by two (2) to four (4) waterfront building lots under separate ownership, where at least one (1) boundary of each building lot lies within 1,000 feet of the boundary of the lot on which the joint use pier or dock is to be constructed.

**Lake** means a body of freshwater that occurs in a depression of land or expanded part of a stream that is greater than 6.6 feet in depth at the deepest point at ordinary low water, and has a water salinity of less than 0.5 parts per thousand.

**Landward** means horizontally toward the land and away from the water.

**Large ponded wetland** means a non-estuarine wetland with visible evidence of at least five (5) acres of standing surface water in any part of the wetland during most of the growing season for an average rainfall year. Large ponded wetlands have a mean annual water depth of less than 6.6 feet. Most, but not all, large ponded wetlands have been mapped by the County.

**Littoral drift** means the natural movement of sediment, particularly sand and gravel, along marine or lake shorelines as a result of wave and wind action.

**Live-aboard vessel** means a seaworthy vessel that was designed primarily for navigation but is used as a residence. A boat or other floating structure is a residence if it is occupied thirty (30) out of forty-five (45) days or ninety (90) out of 365 days, while moored or anchored in the same area, or if the local government, the marina, or the occupant of the boat defines it as a residence. The phrase “in the same area” means within a radius of one (1) mile of any location where the same vessel previously moored or anchored. A vessel that is occupied and is moored or anchored in the same area, but not for the number of days described in this subsection, is considered a recreational or transient vessel (WAC 332-30-106).

**Log storage (rafting and stockpiling)** means the management of trees for a commercial forestry industry by means of either, rafting bound logs along the shoreline for transportation, or by stockpiling logs that are ready for transportation via land.

**Low intensity agriculture** shall mean existing and on-going agriculture including livestock management with an Animal Unit density of less than one (1) per acre; seasonal hay mowing and related activities and horticulture involving one (1) acre or less of cultivated land.

**Marinas.** Marinas are facilities which provide boat launching, storage, supplies, and services for small pleasure craft. There are two (2) basic types of marinas: open type construction (floating breakwater or open pile work) and solid type construction (bulkhead or fill).

**Marine** means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.
Marine campground means a primitive, waterfront campground accessible by hand-carried watercraft (e.g., kayak, canoe) with each site in the campground accommodating up to three (3) tents. Overflow may be allowed at the discretion of the land manager.

Mature forested wetland means a wetland one (1) acre or larger in size in which the tree canopy within the vegetated part of the wetland is comprised predominantly of trees having diameters eighteen (18) inches or larger measured at 4.5 feet above ground level or the oldest trees are eighty (80) to 200 years old; crown cover may be less than 100 percent; and, decay, decadence, number of snags and quantity of downed material is generally less than found in old-growth forests. County maps will be regularly updated to identify mature forested wetlands as they are located through review of development proposals. May indicates that the action is within the discretion and authority of the approving agency.

Mitigation bank means a site where wetlands are re-established, rehabilitated, enhanced, preserved or created expressly for the purpose of providing mitigation in advance of any specific development proposal. Mitigation banks must qualify and be certified under chapter 173-700 WAC before they can be established and used in Island County.

Moorage structure means a structure built over or floating upon the water, typically used as a landing place for marine transport or for commercial or recreational purposes.

Mosaic wetland means a group of two (2) or more wetlands, each less than one (1) acre in size; located, on average, less than 100 feet apart; and at least fifty (50) percent of the surface area of wetland and upland, taken together, is comprised of wetlands. The group of wetlands, including the upland area between the wetlands, will be regulated as a single wetland.

Mudflat (marine) means areas along a shoreline composed of fine sediment often with a high organic material content that are typically exposed during low tides and submerged during high tides.

Must means a mandate; the action is required.

Native plant wetland means a wetland with visible evidence that at least a majority of its vegetated surface area is covered by native species at some time of the year. County maps identify some but not all native plant wetlands.

No net loss means the maintenance of the aggregate total of the county shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that the impacts of shoreline use or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes.

Non-structural shoreline stabilization means shoreline erosion control and restoration practices using only plantings or mostly organic materials and plantings to restore, protect, or enhance the natural shoreline environment. Focus on the use of woody plants and limited structural-mechanical systems that are integrated in a structurally and environmentally sound manner to repair and protect slopes against shallow mass wasting and surface erosion. At least eighty (80) percent of the stabilization project must be constructed of naturally-occurring materials used in ways that are consistent with current nearshore processes. Measures such as live stake, live fascine, brushlayer, live cribwall, vegetated geogrid, branchbacking, and live slope grating are examples of soft shore protection techniques. Also called bioengineering or soft shore stabilization.

Non-water-oriented use means those uses that are not water dependent, water related, or water enjoyment.

Nonconforming development or nonconforming structure means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Nonconforming lot means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.
**Nonconforming use** means an existing shoreline use that was lawfully established prior to the effective date of the Act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

**Normal appurtenance** means a structure that is necessarily connected to the use and enjoyment of a single-family residence, including a garage, deck, driveway, utilities, fences, gazebo, septic tank and drainfield, and grading less than 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

**Normal maintenance and repair** means usual acts to prevent a decline, lapse, or cessation from a lawfully established condition or restores a development to a state comparable to its original condition, including but not limited to maintaining the same size, shape, configuration, location and appearance. Replacement of a structure is not considered normal maintenance or repair.

**Normal protective bulkhead** means structural and nonstructural shoreline stabilization installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and normal appurtenant structures from loss or damage by erosion.

**Ordinary high water mark (OHWM)** means on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.

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**Outfall** means the point where water flows out from a conduit, drain, or stream.
Parking lot means an off-street, ground level open area, usually improved, for the temporary storage of motor vehicles. A vista parking lot is a parking lot directly associated with an area established to provide a public view of the shoreline or water.

Passive recreation means outdoor activities such as walking, biking, and wildlife viewing, scientific research activities, water-based recreation, and boating. In shoreline-associated critical areas, use of gasoline powered, motorized boats or equipment does not qualify as passive recreation.

Permitted uses means uses which are allowed within the applicable shoreline designation, provided that they must meet the policies, use requirements, and regulations of this chapter 17.05A and any other applicable regulations of the county or state.

Pervious pavement means a low impact development measure that promotes storm water drainage, reduces runoff, and improves filtration of water for aquifer recharge. Pervious pavement shall include, but are not limited to: pervious concrete, pervious asphalt, pervious pavers, and products such as grasscrete. Pervious pavement shall be considered as 50% pervious for the calculation of impervious surface area.

Pervious surface means a surface area that allows the natural infiltration of water into the soil mantle including pervious pavement.

Pier means a structure which abuts the shoreline and is generally used as a landing or moorage place for commercial and pleasure craft. A pier is a fixed platform above the water.

Pile, pilings and pile driving means a column of wood or steel or concrete that is driven into the ground to provide support for a structure, a number of piles, and the process of installing piles into the ground. Repairing existing pilings via encapsulation may be allowed.

Port means any harbor area under the jurisdiction of a legally constituted port district, as prescribed under Washington State law, or any harbor area which is largely devoted to shipping and cargo handling. A port may include water-dependent uses such as boat building and repair, cargo or passenger facilities, commercial and recreational moorage, float plane facilities, and similar uses. A port may also include water-related uses.

Primary association means use of an area by a protected species for rearing young, roosting, breeding, or foraging on a regular basis during the appropriate season, as well as habitats that are used less frequently or regularly but which provide for essential life cycle functions. Areas of primary association for listed salmonids shall include all aquatic environments in which they reside, as well as riparian environments necessary to support the formation and function of the aquatic environment. Areas of primary association for protected flora and fungi include both the immediate area where the species occurs and the contiguous habitat necessary for its long term persistence.

Primary structure means the structure associated with the principal use of the property. If more than one (1) structure is associated with the principal use of the property, the one with the highest assessed value shall be considered the primary structure. For purposes of interpreting section 17.05A110 (shoreline modification regulations), the phrases "primary structure or appurtenance" and "primary structures and appurtenances" shall mean the primary structure and those appurtenances which cannot be relocated because they are either (a) structurally attached to the primary structure (such as garages and decks) or, (b) no other suitable location exists for their relocation and the primary structure would become unusable if the appurtenance were damaged or destroyed.

Priority habitat means a habitat type with unique or significant value to one (1) or more species per WAC 173-26-020(30). An area classified and mapped as priority habitat must have one (1) or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; important marine mammal haul-out; refugia habitat; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may also be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority
habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

**Production facilities** means a structure used for or in connection with the generation, production, transmission, or distribution of electricity; the production, manufacture, storage, or distribution of gas; the transportation or conveyance of gas, oil, or other fluid substance by pipeline; or the diverting, developing, pumping, impounding, distributing, or furnishing of water.

**Protected habitats** means habitats listed by the federal government, habitats designated by the Washington Department of Fish and Wildlife as Priority Habitats, and those habitats which are determined by Island County to be worthy of a higher level of protection than other habitats and are designated as habitats of local importance under chapter 17.02.

**Protected species** means species of flora and fauna listed by the federal government or the State of Washington as endangered, threatened, sensitive, or priority which are present in Island County and those species of flora and fauna which are determined by Island County to be worthy of a higher level of protection than other species and are designated as species of local importance under chapter 17.02.

**Public access** means a trail, path, road, or launching ramp by which the general public can reach the public waters from a public road.

**Public boat launching ramps** means boat launching ramps that are used by the public. Ownership of the facilities can be either private or public.

**Public recreational pier or dock** means a pier or dock including a gangway and/or float either publicly or privately owned and maintained intended for use by the general public for recreational purposes, but not to include docks constructed as part of a marine development.

**Qualified professional** means a person with experience and training with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have a degree in wildlife biology, ecology, fisheries, or a closely related field and a minimum of two (2) years of professional experience related to the subject species/habitat type. A qualified professional shall be selected by the Planning Director, or approved by the Planning Director if selected by the applicant. A wetland professional is a qualified professional with expertise in wetlands.

**Ramp.** See boat ramp.

**Recreation** means the exercise and refreshment of body and mind through forms of play, sports, relaxation, amusement, or contemplation. Passive shoreline recreation is light to moderate intensities of recreation, such as hiking, day camping, viewing nature, boating, swimming and fishing. Active recreation is a more intensive and land consumptive use of the shoreline areas, such as sports fields, swimming pools, or indoor recreation centers.

**Recreational development** means public and private parks and facilities for hiking, camping, indoor and outdoor sports, or similar developments.

**Regulated activity** means:

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
2. Dumping, discharging, or filling;
3. Draining, flooding, or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding, or disturbing the water level or water table in a wetland or stream in which the activity itself occurs outside the regulated area may be considered a regulated activity;
4. Driving piling or placing obstructions, including placement of utilities;
5. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure;
6. Altering the character of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;

7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland or stream water sources, including changes in quantity of water and pollutant level;

8. Application of pesticides, fertilizers, and/or other chemicals unless demonstrated not to be harmful to the regulated area;

9. The division or redivision of land pursuant to chapter 16.06; and

10. The creation of impervious surfaces.

**Repair** means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

**Replacement** means the construction of a new structure to perform the same function when an existing structure can no longer serve its purpose. In addition, repairs that exceed a certain threshold are also effectively a replacement. The following are thresholds for considering a repair to be a replacement: 1) when more than fifty (50) percent of a structure is being replaced, or 2) the cost of maintenance or repairs to an existing structure exceeds fifty (50) percent of the value of the existing structure.

**Residential development** means the development of single-family residences, including appurtenant structures and uses, multi-family development, and the creation of new residential lots through land division.

**Restoration** means to reform, revitalize, or establish the characteristics and natural processes of a degraded shoreline resource back into a persistent, resilient system.

**Retaining wall** means structure placed behind the OHWM which acts as a stabilizing mechanism for unstable geologic conditions, foundation support for structures, or to retain land behind the retaining wall. Retaining walls are not intended to prevent erosion of upland materials from the action of waves or tides.

**Revetment** means a form of structural shoreline stabilization comprising a sloping facing of stone, concrete, or similar material, built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

**Riprap** means a form of structural shoreline stabilization comprising a foundation or sustaining wall of stones or chunks of concrete thrown together without order (as in deep water) or a layer of similar material on an embankment slope to prevent erosion.

**Seaward** means the direction away from land and toward the sea.

**Setback** means the distance a structure is placed behind a specified line or feature.

**Shall** means a mandated action that must be done.

**Shorelines** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

**Shoreline Administrator (Administrator)** means the Island County Planning and Community Development Director (Director) or his or her designee.
Shoreline development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter 90.58 RCW at any stage of water level (RCW 90.58.030; WAC 173-27-030).

Shoreline environment designations means the categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. WAC 173-16-0060(4). The designation boundaries extend above and below the earth's surface on a vertical plane.

Shoreline ecological functions means shoreline functions or shoreline ecological functions are the work performed or role played individually or collectively within ecosystems by a wide variety of interacting physical, chemical, and biological components that are interdependent in varying degrees and scales, and that produce the landscape and habitats as they exist at any one (1) time. Shoreline ecological functions include, but are not limited to those included in WAC 173-26-201(3)(d)(i)(C).

Shoreline exemption means an exemption from needing to obtain a shoreline substantial development permit. Exemptions are defined in WAC 173-27-020(7) and are available for uses and developments set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58. Although exempt from requiring a substantial development permit, these uses must comply with applicable provisions of this Program and the Act.

Shoreline jurisdiction means the geographic areas regulated by the SMA, related rules, and the applicable master program: all shorelines and shorelines of statewide significance, plus lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark of shorelines; associated floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA. See RCW 90.58.030(2)(f), WAC 173-16-030(17) and WAC 173-22-030(10). Also see the definitions of "shorelines" and "shorelines of statewide significance."
Shoreline Management Act (SMA or Act) means Shoreline Management Act of 1971, Chapter 90.58 RCW.

Shoreline Master Program (SMP) or Master Program or Program means the Island County Shoreline Master Program, being the Shoreline Master Program Element of the Comprehensive Plan and Chapter 17.05A. Master programs must be developed in accordance with the policies of the SMA in RCW 90.58.020 and the implementing guidelines in WAC 173-26, be approved by the state, and be consistent with the rules (WACs) adopted by the Washington State Department of Ecology.

Shoreline stabilization means structures or modifications for the purpose of retarding shore erosion from wave or current action, protecting channels and harbors from wave action, encouraging deposition of beach materials, or preventing shoreline overflow and retaining uplands. Shoreline stabilization may consist of bulkheads, seawalls, dikes, revetments, breakwaters, jetties, groins, gabions, large woody material placement, beach nourishment, vegetation enhancement, biotechnical methods, or similar structures or modifications.

Shoreline substantial development permit exemption means certain developments that meet the precise terms of listed exemptions are granted exemptions from the requirements of the substantial development permit process of the Act. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the SMP and obtain a statement of shoreline exemption. A shoreline conditional use permit or a shoreline variance permit may also be required even though the activity does not require a shoreline substantial development permit (RCW 90.58.030(3)(e)); (WAC 173-27-030(7) and -040).

Shorelines of statewide significance means those areas of Puget Sound and the Strait of Juan de Fuca and adjacent saltwater north to the Canadian line and lying seaward from the line of extreme low tide;
and those additional areas specified in the Act (RCW 90.58.030(2)(e)), which in Island County, includes the Skagit Bay shoreline from Brown Point to Yokeko Point.

**Should** means a particular action is required unless there is a demonstrated, compelling reason, based on policies of the Shoreline Management Act and this chapter, against taking the action.

**Signs** means publicly displayed messages on signs, billboards, placards, or buildings whose purpose is to provide information, direction, or advertising.

**Single-family residence** means a detached dwelling designed for and occupied by one (1) family, including those structures and developments within a contiguous ownership which are a normal appurtenance. An approved home industry and home occupation, which are defined in 17.03.040, are incidental to and secondary to a single-family residence.

**Small contributing area** means a contributing area for a wetland that is less than ten (10) times the surface area of the wetland. A wetland with a small contributing area will require a larger wetland buffer because it is likely to be more sensitive to changes in water quality.

**Small ponded wetland** means a non-estuarine wetland with visible evidence of water forming a contiguous surface area of at least one (1) acre in any part of the wetland during most of the growing season for an average rainfall year. See "Large ponded wetland."

**Soft shore stabilization.** (See non-structural shoreline stabilization).

**Solid waste** means all solid and semisolid wastes including but not limited to garbage and rubbish, recyclable materials, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

**Spit** means an accretion shoreform which extends seaward from and parallel to the shoreline. They are usually characterized by a wave-built berm on the windward side and a more gently sloping muddy or marshy shore on the leeward side. A curved spit is normally called a hook.

**Stormwater** means the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

**Structural shoreline stabilization, new** shall be defined as the establishment of shoreline stabilization where legally existing stabilization is not present.

**Structural shoreline stabilization** means shoreline stabilization that includes placement of riprap, fitted stone, poured-in-place or precast concrete, driven wood or metal piles, or other similar hard armoring.

**Structure** means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030).

**Structure, overwater** means a structure extending on or over the surface of the water.

**Subdivision** means the division or redivision of land, including short subdivisions, as defined in Chapter 58.17 RCW and Title XVI.

**Substantial development** means any development meeting the definition in RCW 90.58.030(3)(e), now or as hereafter amended, which includes any development of which the total cost, or fair market value, exceeds five thousand seven hundred and eighteen dollars ($7,047) or any development which materially interferes with normal public use of the water or shorelines of the state; except that developments meeting the precise terms of the exemptions specified in RCW 90.58.030(3)(e)(i through xii) shall not be considered substantial development.

**Tidal/wave energy** means a form of hydropower that converts the energy in the flow of tidal waters or currents into a form that may be transmitted or transported elsewhere, typically as electricity through the use of submerged turbines.

**Tide gate** means a hinged door or panel, or similar structure that serves to drain tidelands, usually for agricultural or other uses.
Tidelands means beds and shores of navigable tidal waters lying between the line of ordinary high tide and the line of extreme low tide.

Tram means a power-assisted shoreline access device that includes a car or gondola suspended on a cable.

Transmission, utility means pipes or lines for sewer, water, electrical, or other utilities.

Transportation facility means transportation facilities include roads, trails, airports, barge landings, County docks, floatplane facilities, ferries and related terminals, and parking areas.

Tribe means any Indian tribe, band, nation, or other organized group or community formally recognized by the federal government (See affected tribe).

Use means the purpose that land, buildings, or structures now serve or for which they are or may be occupied, maintained, arranged, designed, or intended.

Utilities includes major and minor facilities and infrastructure that serve individual home owners as well as area wide populations. Utilities include, but are not limited to, sewer infrastructure, water infrastructure, communications infrastructure, stormwater infrastructure, power infrastructure, etc.

Utilities, accessory means those utilities associated with a permitted use, such as single-family residences, and are intended for that uses specific purpose. Accessory utilities include but are not limited to natural gas lines, power lines and other communication lines, sanitary lines, and stormwater outfall pipes.

View corridor means the waterside area of a developed section of shoreline, within the Shoreline Setback and Marine Buffer, that shall not be blocked with accessory structures, except for those structures noted in section 17.05A.090.E.1.

Water courses means streams and manmade surface water conveyance ditches, including portions that are within culverts.

Water-dependent uses means a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities, and sewer outfalls.

Water-enjoyment uses means a recreational use or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which, through its location, design, and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers, and other improvements facilitating public access to shorelines of the state. General water-enjoyment uses may include but are not limited to, restaurants, museums, aquariums, scientific or ecological reserves, resorts, and mixed-use commercial. Provided, however, that water enjoyment uses conform to the above water-enjoyment specifications and the provisions of the Shoreline Master Program.

Water-oriented uses refers to any combination of water-dependent, water-related, or water-enjoyment uses. "Non-water-oriented" serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the Act. Examples of "non-water-oriented" uses include facilities primarily devoted to professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores, and gas stations that serve land based modes of transportation.

Water-related uses means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of water-dependent commercial activities and the proximity of the use to its customers makes its service less expensive or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water-dependent activities, and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

**Water quality** means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation related, and biological characteristics.

**Wetland category** means wetlands in Island County that have been grouped or classified into one (1) of five (5) wetland categories, A through E.

**Wetland dependent species** means a plant or animal species that requires a wetland for some part of its life cycle and whose population in the County would decline if a particular wetland type is unavailable; or, the species occurs disproportionately in wetlands compared to other habitats.

**Wetland edge** means the boundary of a wetland as delineated using the technical resource guide specified in WAC 173-22-035.

**Wetland functions** means the beneficial roles served by wetlands in Island County are primarily water quality protection and enhancement including groundwater recharge and discharge and habitat for wetland dependent species. These beneficial roles are not listed in order of priority.

**Wetland** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

**Wetland identification and delineation** means the process of evaluating vegetation, soils, and hydrology to determine whether a wetland is present, and if so determining the upland boundary of the wetland. Wetlands must be identified and delineated using the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0, 2010 or as revised).

**Wetland identification guide** means a document prepared by the County. The guide contains a field indicator's worksheet, a land use intensity worksheet, and a wetland buffer worksheet.

**Wetland maps** means site-specific maps prepared and maintained by the Department that depict the general location and type of wetlands.

**Wetland outlet** means the location or locations where there is visible evidence of the discharge of surface water from a wetland at any season of the year. The size of the buffer needed to protect a wetland is based in part on whether the wetland has a wetland outlet. A wetland with no wetland outlet will require a larger wetland buffer because it is more sensitive to changes in water quality. When the presence of an outlet is unclear or uncertain, the wetland will be presumed to not have an outlet.

**Wetland professional** means a person with both professional education typically a B.S. or higher degree in biology, environmental studies or related field, as well as training and experience in wetland technical issues such as experience performing wetland classification and delineations, assessing wetland functions, analyzing impacts to wetlands, and designing mitigation. A wetland professional should be a certified professional wetland scientist or have a minimum of two (2) years of experience in wetland technical issues.

**Wetland report** means a study prepared by a wetland professional.
**Wetland type** means a determination made by the County or a wetland professional that is based upon the natural characteristics of a wetland.

**Wetland vegetation** means plant species characteristically adapted for prolonged saturation and anoxic soil conditions and listed by the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, or the Washington State Department of Ecology as wetland indicator plants.

**Wetland/deep water boundary** means the boundary between a wetland and deep water habitat lies at a depth of two (2) meters (6.6 feet) below low water; however, if emergent trees or shrubs grow beyond this depth at any time, their deep water edge is the boundary.

**Wetlands associated with a bog, coastal lagoon, or delta estuary** means a wetland that has a wetland outlet that connects the wetland directly to a bog, coastal lagoon, or delta estuary, or is within 500 feet of a bog, coastal lagoon, or delta estuary in an uphill direction and within the same contributing area. Wetlands associated with a coastal lagoon or delta estuary are also subject to the provisions of chapter 90.58 RCW Shoreline Management Act and chapter 17.05A.

**Wild harvest (shellfish)** means the harvest of shellfish naturally occurring in the open waters or tidelands of Island County or Puget Sound. Wild harvest does not include the harvest of any fish or shellfish that have been cultivated for commercial purposes.


**17.05A.080 – Shoreline use classification.**

... SEE SHORELINE USE CLASSIFICATION TABLE ON FOLLOWING PAGE

**TABLE 1: Shoreline Use Classification Table**

Allowed uses (P) in the shoreline must be allowed in the underlying zoning (chapter 17.03) in addition to the shoreline environment designation. All allowed uses are subject to the limitations, conditions, or exceptions as provided in this Shoreline Master Program.

| NOTES: P - Shoreline Permitted use X - Shoreline prohibited use C - Shoreline conditional use |

<table>
<thead>
<tr>
<th>SHORELINE USES</th>
<th>SHORELINE DESIGNATIONS</th>
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<td></td>
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<tr>
<td>Residential Uses</td>
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</tr>
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<td>Single-family (and normal appurtenances)</td>
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</table>

DRAFT FOR INITIAL REVIEW
| Accessory dwelling units (e.g., guest houses) | X | C | C | P | P | X |
| Accessory Beach Access Structures on Private Lots | C | P/C | P | P | P | C |
| Mobile/manufactured home parks | X | X | X | X | X | X |
| Multi-family | X | X | X | X | P | X |
| Floating homes, houseboats, Floating On-Water Residences | X | NA | NA | NA | NA | X |
| Land subdivision | P5 | P | P | P | P | P |
| Accessory structures (e.g., garden house, boat house, etc.) | X | P | P | P | P | C |

... Boating and Related Facilities

<p>| Boat launches | P/C | C ³ | C ³ | C ³ | P ³/C | P |
| Private piers, docks, and floats | C/P ¹ | C | C | C | C/P ¹ | P |
| Public piers, docks, and floats | C | C | P | P | P | P |
| Mooring Buoys | P | NA | NA | NA | NA | NA | X |
| Float plane bases | C | X | X | C | C | P |
| Float plane docks | C | X | C | C | C | P |
| Marinas | C ⁴ | X | C | C | C | P |</p>
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**Resource Management and Extraction**

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<td>C$^{18}$</td>
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**Transportation**

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</tr>
<tr>
<td>Tide gates</td>
<td>C/P 20</td>
<td>C/P 20</td>
<td>C/P 20</td>
<td>C/P 20</td>
<td>C/P 20</td>
<td>C/P 20</td>
</tr>
</tbody>
</table>

**NOTES:**  
1. Permitted use only for public access over private lots, including required public access for a subdivision. All other beach access structures in the natural designation require a conditional use permit.
2. If part of a mixed-use development with a water-dependent use.
3. Public and community boat launches only.
4. Marinas are a conditional use in the aquatic designation. Where the adjacent upland is designated natural, marinas are prohibited.
5. Tidelands for public acquisition or preservation purposes.
6. Conditionally permitted for public transportation projects only.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>7</td>
<td>Permitted conditionally only if no feasible alternative exists.</td>
</tr>
<tr>
<td>8</td>
<td>Signs identifying public access are exempt. For natural designation, navigation aids and public information signs only.</td>
</tr>
<tr>
<td>9</td>
<td>For restoration or enhancement of natural resources only.</td>
</tr>
<tr>
<td>10</td>
<td>As part of an ecological restoration project.</td>
</tr>
<tr>
<td>11</td>
<td>As part of an approved marina or for navigational purposes.</td>
</tr>
<tr>
<td>12</td>
<td>As part of a permitted water-dependent use.</td>
</tr>
<tr>
<td>13</td>
<td>New and replacement docks, piers, and floats located within a designated canal community that are consistent with an approved canal community master plan may be reviewed as a permitted use provided that the approved canal community master plan contains standards applicable to docks, piers, and floats, and provided that these standards, are consistent with the standards enumerated in section 17.05A.110.B.23.</td>
</tr>
<tr>
<td>14</td>
<td>Non-commercial aquaculture is a permitted use in the aquatic environment unless the adjacent (landward) area is designated as a natural shoreline environment.</td>
</tr>
<tr>
<td>15</td>
<td>Any geoduck aquaculture operation that causes substantial interference with normal public use of the surface waters shall require a substantial development permit.</td>
</tr>
<tr>
<td>16</td>
<td>Legally established single-family residences that do not meet current standards and which are enlarged or expanded within the shoreline setback beyond that which is allowed by ICC 17.05A.090.E.11, shall be reviewed as a shoreline variance in accordance with section ICC 17.05A.130.G.</td>
</tr>
<tr>
<td>17</td>
<td>Only permitted if directly serves, and is associated with, a single family residence</td>
</tr>
<tr>
<td>18</td>
<td>A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a substantial development permit, as required by WAC 222-50-020.</td>
</tr>
<tr>
<td>19</td>
<td>Covered Moorage and boat lifts are a conditional use in Shoreline Residential-Canal Community only</td>
</tr>
<tr>
<td>20</td>
<td>Proposals which meet the definition of repair per ICC 17.05A.070 only</td>
</tr>
</tbody>
</table>
17.05A.090 – Shoreline use and development regulations.

All developments and uses located within the jurisdiction of this Shoreline Master Program shall comply with all the regulations of this section.

A. General shoreline development standards.

3. The location, design, construction, and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to applicable water quality management programs and regulatory agencies.

4. No structure within the shoreline shall exceed thirty-five (35) feet in height, except in the following specific circumstances.

   a. that bridges and ferry facilities may be allowed to exceed thirty-five (35) feet in height when necessary to accommodate navigation and docking requirements.

   b. In cases where a legally existing home must raise its foundation to meet FEMA flood elevations, the height above grade level may exceed 35ft provided such a height will not obstruct the view of any residences on or adjoining such shorelines, and that the legally existing home is not considered a replacement as defined in section 17.05A.070.

5. Land clearing, grading, filling, or alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed shall be replanted and maintained in perpetuity. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

17. Development and use of the shoreline shall be conducted in such a manner that unreasonable levels of noise, light, or glare will not intrude into adjacent areas. Shoreline activities may be restricted to reasonable hours and days of operation when necessary to protect residents and properties from adverse impacts such as noise, light, and glare.

18. Subdivision of property shall be in a configuration that will not require significant vegetation removal or shoreline modification and that will not adversely impact ecological functions. Each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

19. Subdivision of property for residential development is subject to the density limits in the underlying zone described in chapter 17.03 ICC and the maximum density limits outlined in section 17.05A.100.J, whichever is more restrictive.

20. No lot segregation, land division, or boundary line adjustment shall create a lot which does not include an adequate building site outside of critical areas and their associated buffers unless the resulting lot is being created solely for conservation purposes and a conservation easement encompassing the lot is established and recorded which prohibits all future development.
21. Dumping of yard waste over shoreline bluffs or at road ends shall not be allowed.

C. Environmental protection and critical areas.

3. Uses and developments shall provide a level of protection equal to or better than countywide critical areas regulations and result in no net loss of ecological functions.

4. The county shall consider the cumulative impacts of individual uses and developments, including preferred uses and uses that are exempt from permit requirements, when determining whether a proposed use or development could cause a net loss of ecological functions.

   a. The county shall have the authority to require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, and other shoreline attributes.

   b. Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:

      (i) Current ecological functions and human factors influencing shoreline natural processes; and

      (ii) Future ecological functions based on human caused environmental change, taking into account sea level rise, increased precipitation patterns, and adaptive capacity of marine riparian areas and critical marine and nearshore habitats; and

      (iii) Reasonably foreseeable future use and development of the shoreline; and

      (iv) Beneficial effects of any established regulatory programs under other local, state, and federal laws; and

      (v) Mitigation measures implemented in conjunction with the proposed project to avoid, reduce and/or compensate for adverse impacts.

10. Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternative location within the same watershed sub-basin for impacts to freshwater shorelines or within the same marine shoreline drift cell for marine shoreline impacts, if the off-site location provides greater and more sustainable ecological benefits. When determining whether offsite mitigation provides greater and more sustainable benefits, the county shall consider limiting factors, critical habitat needs, and other factors identified by the locally adopted shoreline restoration plan, or an approved watershed or comprehensive resource management plan. The county may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved and sanctioned by the Department of Ecology, the Department of Fish and Wildlife, the Army Corps of Engineers, and Island County. Mitigation banks shall comply with the standards and procedures in RCW 90.84 and WAC 173-700.
11. Land that is constrained by critical areas or buffers shall not be subdivided to create parcels that do not contain a buildable site outside of critical areas and their required buffers, unless the parcel is an open space tract created for the purposes of protecting and managing a critical area, and a conservation easement indicating that the parcel cannot be built upon is recorded with the County Auditor.

12. Modifications to wetlands and stream buffers shall not exceed 25 percent of the original buffer width without approval through a Shoreline Variance in accordance with the criteria in section 17.05A.130.G.7 ICC. Projects listed in section 17.05A.090.C.17.d ICC, may exceed this standard without triggering the need for a Shoreline Variance. Additionally, public utility and transportation projects that meet the following criteria may exceed this standard without triggering the need for a shoreline variance:
   a. the project is needed to serve Island County residents; and
   b. the alteration has been reduced as required by ICC 17.05A.090.C.7; and
   c. to the extent feasible, crossing of naturally vegetated corridors is avoided; and
   d. When necessary, culverts are installed to maintain hydrology, and culvert installation shall be based on best available science and technology, provide for ecological function including fish passage, and shall not adversely impact floodplain functions or public recreational use as demonstrated in a BSA; and
   e. If the alteration of the critical area cannot be immediately restored, the project includes mitigation as required by this Chapter.

13. Overlapping critical areas, interpretations. Where critical area protections overlap, the most restrictive standards shall apply. Management of the required buffers shall depend on the critical area function being protected.

14. Critical area documentation. A copy of the site plan for the development proposal shall include a map to scale documenting critical areas, buffers, the development proposal, and any areas to be cleared. The Planning Director may also require additional information to be included when determined to be necessary to review the development proposal. Additional information that may be required, includes, but is not limited to:
   a. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site; and
   b. Information specific to the type, location, and nature of the critical area and buffer.

15. Fencing and marking. When development occurs on a site containing critical areas or critical area buffers the following standards and requirements shall apply:
   a. The boundary at the outer edge of critical area tracts and easements shall be delineated with permanent survey stakes that are clearly visible, durable and permanently affixed to the ground. Critical area buffers shall be measured horizontally and perpendicularly to the edge of the critical area on all sides.
   b. The boundary at the outer edge of the critical area or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.

12.16. Geologically hazardous areas shall be regulated pursuant to the following:
13.17. Fish and wildlife habitat conservation areas.

a. Fish and wildlife habitat conservation areas (FWHCAs) are defined in section 17.05A.070 and include their associated buffers.

b. Buffers and use restrictions for each shoreline environment designation (see Table 3) have been developed in consideration of the protection of fish and wildlife habitat conservation Areas (FWHCAs). Buffer restrictions for portions of streams within shoreline jurisdiction are provided in Table 2. Buffers or restrictions on proposed shoreline uses or modifications may be required for the protection of FWHCAs if, through project specific project review, the Administrator finds that a significant impact on a FWHCA would occur as a direct result of the project.

c. Applications for projects located adjacent to within marine waters, marine buffers, their associated wetlands, or any other FWHCA, shall include a complete and accurate biological site assessment (BSA) or wetland report. Biological site assessments shall be prepared by a professional ecologist, biologist, or similarly qualified professional at the applicant's expense.

d. The requirement for a biological site assessment or wetland report for development within the shoreline buffer or shoreline-associated critical area buffers may be waived by the Planning Director in the following circumstances.

(i) The repair, as defined in section 17.05A.070 ICC, of a legally existing single family residence or normal appurtenances, to include shoreline stabilization.

(ii) The replacement of a legally existing single family residence or normal appurtenance within the same footprint, not to include shoreline stabilization.

(iii) The development of a single family residence located within the shoreline buffer in accordance with the provisions of ICC 17.05A.090.E and the portion of the development within the shoreline buffer does not exceed 1,000 square feet of gross floor area.

(iv) The installation of a tight-line for storm water management when permitted as a normal appurtenance to a single family residence.

(vi) The normal repair and maintenance of public infrastructure, consistent with the definition of repair in section 17.05A.070 ICC. For culvert repair or replacement, no BSA is required unless there is proposed expansion of conveyance capacity, configuration, or size.

(vii) Minor utility repair within the improved right-of-way, consistent with the definition of repair in section 17.05A.070 ICC, provided that relocation of utility lines, equipment, or appurtenances shall occur as far as feasible from shoreline-associated critical areas, their buffers and/or the shoreline buffer. For culvert repair or replacement, no BSA is required unless there is proposed expansion of conveyance capacity, configuration, or size.

(viii) Site investigative work necessary for permit submittals, or County-authorized monitoring activities, such as surveys, soil logs, and percolation...
tests provided there is no clearing, fill, or use of heavy equipment in a shoreline-associated critical area. Impacts to shoreline associated critical areas, their buffers, and/or the shoreline buffer requires permit review as set forth in section 17.05A.080.

(ix). Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the state noxious weed list is permitted in shoreline-associated critical areas if provision is made for re-establishment of native vegetation in the disturbed area. Restoration activity is subject to permit review as set forth in section 17.05A.080. Ground based motorized equipment may be used if accompanied by a plan for the re-establishment of native vegetation, and with prior written approval of the Shoreline Administrator.

(x). Provided no gasoline powered, motorized boats or equipment are used, conservation, recreation, education and scientific research activities within shoreline-associated critical areas and critical area buffers including fishing, hunting, hiking and bird watching are allowed. Installation of fences to protect habitat in buffers is allowed provided best management practices adopted by the County are implemented and all requirements of the Shoreline Master Program are met. Trail development within shoreline-associated critical areas and buffers is regulated by the following criteria:

(1) Up to twenty (20) percent of a shoreline-associated critical area buffer can be disturbed with a pedestrian (pervious) trail for private or public use. No biological site assessment (BSA) is required, unless supporting structures such as retaining walls, boardwalks, bridges, and stairs are proposed.

(2) Replacement of damaged legally-existing trail structures that cross streams or are within shoreline-associated wetlands is permitted for public and private trails without a BSA, based on the following criteria:

(a) Like-for-like replacement is proposed, unless the design is changed to improve ecological impact as documented by a qualified environmental consultant.

(b) No further expansion into the shoreline-associated critical areas is proposed.

(c) A geotechnical analysis is submitted for replacement within steep slopes or other geologically hazardous areas.

(d) All requirements of ICC 17.05A.100.C shall be met.

(e) All temporary disturbance is immediately restored with native plantings at appropriate densities.

e. A Biological Site Assessment and shall include the following information:

...
prepared by a professional ecologist, biologist, or similarly-qualified professional at the expense of the applicant. The habitat management plan may be combined with the BSA, or a wetland mitigation plan, if required for the project. The habitat management plan must consider management Recommendations adopted by the Washington Department of Fish and Wildlife, and the specific attributes of the affected properties, such as, but not limited to, property size and configuration, surrounding land use, the practicability of implementing the habitat management plan, and the adaptation of the species to human activity.

... 

g.e. Any person may nominate for designation a species or habitat of local importance within shoreline jurisdiction. Nominations for a species or habitat of local importance must meet the following criteria:

... 

h.f. Nominations for designation of a species or habitat of local importance within shoreline jurisdiction shall be processed pursuant to chapter 16.26. The burden for providing information required for designation rests with the party nominating the habitat or species. Nominations shall be reviewed and approved as follows:

...

i.g. Portions of streams within the shoreline jurisdiction of Island County shall be classified using the water type classification system of WAC 222-16-030, which include the following classifications and criteria:

...

j.h. Stream buffers; Protective buffers shall be required to preserve stream and riparian functions within shoreline jurisdiction. Buffer distances shall be measured horizontally from the ordinary high water mark of the stream. The following standard buffers apply to streams regulated under this Shoreline Master Program. If a conflict exists between the stream buffers outlined in this chapter and those of another chapter of Island County Code, the more restrictive shall apply.

...

k.i. Standards: Critical saltwater habitats. The following standards apply to all development adjacent to or containing critical saltwater habitat:

...

l.j. Protection standards: Nesting sites and territory. The following buffers and standards shall apply to all Heron, Osprey, and Bald Eagle nesting sites within shoreline jurisdiction:

...

m.k. Protection standards: Washington Natural Heritage Program Areas.
(i) For designated significant plant communities dominated by Big Leaf Maple (Acer macrophyllum) or Douglas Fir (Pseudotsuga menziesii), natural vegetation between the ordinary high water mark and a line fifty (50) feet landward of the top of banks and bluffs ten (10) feet or higher shall be retained, except for removal of hazardous, diseased or damaged trees and to allow for pedestrian waterfront access. Removal of invasive non-native species is authorized. Trimming but not removal for view enhancement is authorized.

(ii) For designated significant plant communities including white-top aster (Aster curtus) and golden indian paintbrush (Castileja levisecta), a biological site assessment and habitat management plan shall be prepared to ensure protection of the protected species.

(iii) All other designated Washington Natural Heritage Program Areas. Requests for permit approval by Island County will be acted on only after consultation with the Washington Natural Heritage Program.

n.l. Protection standards: Habitats of local importance. Property owners within these areas are required to comply with chapter 17.02AB, the Island County Critical Areas Ordinance; chapter 17.03, the Island County Zoning Ordinance; chapter 11.02, the Island County Clearing and Grading Ordinance; the Island County Shoreline Master Program; and all other applicable federal, state, and county regulations. Variances from any shoreline or critical areas regulations shall specifically address any designated habitats of local importance located on or adjacent to the property proposed for development. Additional protections may be adopted with designation of a habitat of local importance.

o.m. Protection standards: All other fish and wildlife habitat conservation areas shall be protected on a case-by-case basis. A biological site assessment shall be prepared pursuant to section 17.05A.090.C.13.c, and a habitat management plan, if required, shall be prepared pursuant to section 17.05A.090.C.13.d.

18. Wetlands

a. Mapping

(i) The Department shall maintain and update maps that depict the location and type of all known wetlands in Island County. However, not all wetlands have been mapped.

(1) These maps will be available at the offices of the Department and used as a guide to identify and locate wetlands. The Planning Director shall propose, and the Board of Commissioners shall adopt, an administrative procedure for the update of wetland maps as site-specific data becomes available.

(ii) Both the term wetland as well as specific types of wetlands are defined in section 17.05A.070. Most of these wetland types have been mapped by the County and these maps shall serve as a guide for determining the general location of wetlands. The presence and location of a wetland must be confirmed based on the definitions established by this chapter, on a site-by-site basis.
(iii) At any time, an owner can provide the Department information prepared by a wetland professional to correct or clarify the County's wetland maps for property he or she owns. When the Planning Director finds that a County map is in error, a correction shall be approved as a Type I decision pursuant to chapter 16.19.

b. Wetland identification

(i) The Planning Director shall determine wetland type, location, and classification for any development proposal on a lot that contains or is affected by a wetland or wetland buffer. This determination shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. The Planning Director will also use information provided to the County through the field indicator's worksheet contained in the wetland identification guide or a wetland report.

(ii) Island County 2008 Wetland identification guide. The purpose of the County's wetland identification guide is to assist an owner and/or an applicant in the identification of wetlands. Generally, the field indicator's worksheet (included in the wetland identification guide) shall be submitted with all development proposals regardless of whether the lot may contain or be affected by a wetland or wetland buffer. For single family dwellings or accessory uses and structures for single family dwellings, the owner or applicant shall have the option of submitting a wetland report as outlined in subsection i, instead of the field indicator's worksheet.

c. Land use intensity. The appropriate buffer for a wetland will, in part, be determined based on the intensity of a development proposal. Land use intensity shall be determined by the Planning Director on a case-by-case basis for development proposals that contain or are affected by a wetland or wetland buffer. The land use intensity worksheet from the wetlands identification guide shall be submitted with all development proposals on a lot that contains or is affected by a wetland or wetland buffer and will be used by the Planning Director in the determination of land use intensity. The Planning Director shall determine land use intensity as follows:

(i) High intensity

(1) All uses and structures located on lots less than one (1) acre in size shall typically be classified initially as high intensity.

(2) All non-residential uses and structures located on lots equal to one (1) acre but less than five (5) acres in size shall typically be classified initially as high intensity.

(3) For residential uses and structures:

(a) More than ten (10) percent of the lot is covered with an impervious surface; or

(b) The cleared area exceeds the following thresholds:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Threshold</th>
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<td></td>
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</tbody>
</table>
(ii) Medium intensity.

(1) All non-residential uses and structures located on lots equal to or greater than five (5) acres in size shall typically be classified initially as medium intensity.

(2) All residential uses and structures that do not meet the cleared area and impervious surface ratios established for high and low intensity uses shall typically be classified initially as medium intensity.

(iii) Low intensity.

(1) For residential uses and structures:
   (a) Less than five (5) percent of the lot is covered with an impervious surface; and
   (b) The cleared area exceeds the following thresholds:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>1 to 2.49 acres</th>
<th>2.5 to 4.99 acres</th>
<th>5 to 9.99 acres</th>
<th>10 to 19.99 acres</th>
<th>&gt;20 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleared Area</td>
<td>&gt;35%</td>
<td>&gt;30%</td>
<td>&gt;25%</td>
<td>&gt;20%</td>
<td>&lt;15%</td>
</tr>
</tbody>
</table>

(2) Low intensity uses and structures shall adhere to the following standards:
   (a) Structures, patios and decks shall be set back fifteen (15) feet from the outer edge of the buffer; and
   (b) Exterior lighting fixtures shall comply with the lighting standards of chapter 17.03 and shall be shrouded and directed away from the wetland or wetland buffer; and
   (c) Fertilizers, pesticides and herbicides shall not be applied in a manner that adversely impacts wetland functions or wetland buffers; and
   (d) Storm water from impervious surfaces shall be controlled before it reaches the wetland buffer.

(iv) Intensity determinations will consider the potential adverse impacts to wetland functions expected to be caused because of site-specific
characteristics and the orientation or location of the proposed use or structure in relation to the wetland. For example, the development proposal may qualify as low intensity under subsection (2). However, topography or soils and site location or design of the proposed structures may potentially generate adverse impacts to wetland functions. Therefore, if it is not modified by the applicant, the development proposal may be finally classified by the Planning Director in a medium or high intensity classification.

(v) When a development proposal contains more than one (1) use or structure and the uses or structures are of differing land use intensity, the development proposal shall be classified in the intensity classification that provides the greatest protection to the critical area.

d. Wetland classification system. Wetlands shall be classified by the Planning Director based on the type of wetland and buffers will be established by the Planning Director based on the wetland classification. The classification that provides the greatest protection shall be used for wetlands that exhibit the characteristics of more than one (1) type. The field indicator's worksheet or a wetland report will be used by the Planning Director as well as the County's wetland maps and site investigations to determine the appropriate wetland classification.

<table>
<thead>
<tr>
<th>Wetland Classification System</th>
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<tbody>
<tr>
<td>Wetland Category</td>
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<tr>
<td>A</td>
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<td>B</td>
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<td>D</td>
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<tr>
<td></td>
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<tr>
<td>E</td>
</tr>
</tbody>
</table>

e. Wetland buffers. Generally, habitat and water quality are specific wetland attributes used to establish a wetland buffer. Special buffers have been established for bogs, coastal lagoon wetlands and wetlands located within the delta estuary. Buffers have also been established specifically for estuarine wetlands that are
not coastal lagoon wetlands and delta estuary wetlands. These wetlands are either very rare, sensitive and/or are particularly important for anadromous fish. For all other wetlands both habitat and water quality buffers must be determined and the larger of the two (2) will be the buffer that applies. Water quality buffers shall be established based on the wetland's sensitivity to disturbance, wetland type and the land use intensity proposed by a development proposal. Habitat buffers shall be established using a habitat rating system and land use intensity. The habitat rating system shall allow a property owner and/or a wetlands professional to evaluate the character and relative quality of habitat located on his/her property for wetland dependent species. The habitat rating system is included in the wetland buffer worksheet contained in the wetland identification guide. This worksheet shall be submitted with all development proposals on a lot that contains or is affected by a wetland or wetland buffer. Buffers are set forth in Tables 1 through 4 below.

Buffer widths are presumed to be vegetated with native and/or non-native plant species that are adequate to protect wetland functions. If buffer vegetation is determined by the Planning Director to be inadequate to protect wetland functions, then if practical and reasonable, buffer vegetation shall be re-established, rehabilitated and/or enhanced so that it is adequate to protect wetland functions. Otherwise, expansion of the buffer may be required pursuant to this section.

(i) Vegetated buffers shall be required as follows:

(1) For regulated Category A, B, C and D wetlands less than 1,000 square feet in size and regulated Category E wetlands less than 5,000 square feet in size, the required buffer shall be fifteen (15) feet with a fifteen-foot setback for buildings and structures.

(2) For Category A, B, C and D wetlands 1,000 square feet or larger in size and Category E wetlands 5,000 square feet or larger in size, the required buffer shall be as set forth in Tables 1 through 4.

(3) A required wetland buffer shall not exceed 300 feet.

(ii) The applicable buffer can be determined using the following steps:

(1) Step 1: Have the County establish the wetland type and the wetland size to determine whether a buffer is required.

(2) Step 2: Have the County determine the land use intensity of the development proposal and the wetland's contributing area.

(3) Step 3A: For wetlands regulated by this chapter that are under 1,000 square feet in size, use the fifteen-foot buffer plus fifteen-foot setback required under subsection (i)(1), above.

Step 3B: For bogs, coastal lagoon wetlands, delta estuary wetlands and other estuarine wetlands, the required buffer can be determined from Table 1.

Step 3C: For all other wetland types, determine the habitat rating for the wetland. If the score is twenty-two (22) or higher, then use Table 2 to
determine the required buffer. If the habitat rating is less than twenty-two (22), then go to step 4.

(4) Step 4: Determine whether the wetland has a surface water outlet and determine the slope gradient between the development proposal and the wetland.

(5) Step 5: Determine the applicable water quality buffer using Tables 3 and 4.

(6) Step 6: Determine whether any buffer modification standards are applicable.

(7) Step 7: Determine which buffer is larger. If the habitat buffer is larger then apply it to the entire wetland. If the water quality buffer is larger then apply it to the contributing area and apply a twenty-foot buffer to the non-contributing area.

(iii) Buffers are established in Table 1 for bogs, coastal lagoon wetlands, delta estuary wetlands and other estuarine wetlands.

<table>
<thead>
<tr>
<th>Table 1: Special Case Buffers for Specific Wetlands Types</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Intensity</strong></td>
</tr>
<tr>
<td>Low</td>
</tr>
<tr>
<td>Moderate</td>
</tr>
<tr>
<td>High</td>
</tr>
</tbody>
</table>

(iv) Habitat buffers for wetlands not covered by Table 1 shall be determined based on the score achieved through the County's habitat rating system. The wetland buffer worksheet contained in the wetland identification guide shall be submitted with all development proposals that are on land that contains or is affected by a wetland or wetland buffer and will be used to assist the Planning Director in the determination of the applicable habitat buffer. Habitat buffers are established in Table 2.

<table>
<thead>
<tr>
<th>Table 2: Habitat Buffers</th>
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</thead>
<tbody>
<tr>
<td><strong>Land Use Intensity</strong></td>
</tr>
<tr>
<td>Wetland Outlet</td>
</tr>
</tbody>
</table>
(v) Water quality wetland buffers for wetlands that are not covered by Tables 1 or 2 are established in Table 3. For development proposals on lots that have a percent slope of five (5) percent or greater between the development proposal and the wetland, the water quality buffer from Table 3 will need to be adjusted using Table 4.

(vi) Visible evidence of an outlet is required to determine that a wetland has an outlet. If the presence of an outlet is unclear or uncertain, then the presumption will be that a wetland does not have an outlet.

### Table 3: Water Quality Buffers

<table>
<thead>
<tr>
<th>Land Use Intensity</th>
<th>Wetland Category</th>
<th>Wetland Outlet</th>
<th>A*</th>
<th>B</th>
<th>C**</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Yes</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>75 ft.</td>
<td>50 ft.</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>25 ft.</td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td>Yes</td>
<td>90 ft.</td>
<td>65 ft.</td>
<td>55 ft.</td>
<td>45 ft.</td>
<td>30 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>105 ft.</td>
<td>90 ft.</td>
<td>75 ft.</td>
<td>60 ft.</td>
<td>40 ft.</td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>Yes</td>
<td>125 ft.</td>
<td>110 ft.</td>
<td>90 ft.</td>
<td>65 ft.</td>
<td>40 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>175 ft.</td>
<td>150 ft.</td>
<td>125 ft.</td>
<td>90 ft.</td>
<td>50 ft.</td>
<td></td>
</tr>
</tbody>
</table>

* Use Table 1 for buffers for bogs, coastal lagoon wetlands and delta estuary wetlands.
** Use Table 1 for buffers for other estuarine wetlands

(vii) For development proposals on lots that are sloped between the development proposal and the wetland, the water quality wetland buffer established in Table 3 shall be increased using the following multipliers:

<table>
<thead>
<tr>
<th>Slope Gradient</th>
<th>Additional Buffer Multiplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>5—14%</td>
<td>1.3</td>
</tr>
<tr>
<td>15—40%</td>
<td>1.4</td>
</tr>
<tr>
<td>&gt;40%</td>
<td>1.5</td>
</tr>
</tbody>
</table>

(viii) Water quality buffers established in Table 3 and 4 shall apply only to a wetland’s contributing area. For the non-contributing area of a wetland, the buffer shall be twenty (20) feet in width.

(ix) Except for mitigation banks, no buffers shall be required for voluntary wetland and wetland buffer improvement projects.

(x) For wetlands regulated by this chapter, mitigation shall be required when the approved alteration of any wetland or wetland buffer cannot be restored.

(xi) Permissible maintenance activities for wetland buffers shall be specified in the approval conditions for a development proposal. Otherwise buffers shall remain undisturbed or, if re-established, rehabilitated, created or enhanced, in the condition established after completion of the approved activity.

f. Wetland buffer modification. After applying the critical area review criteria set forth in this section, the Planning Director shall have the authority to modify wetland buffers on a case-by-case basis.

(i) A required wetland buffer may be reduced when a legally established road crosses a wetland buffer and the reduction will not adversely affect wetland functions as documented in a wetland report.

(ii) In lieu of a buffer reduction, buffer averaging may be approved when:

1. The total area contained in a buffer after averaging is not less than that which would be contained within the buffer if buffer averaging was not permitted; and

2. Buffer averaging will not adversely affect wetland functions as documented in a wetland report.
(iii) For a Category A and B wetland, a buffer modification under subsection (i), or (ii), above shall not reduce the buffer to less than seventy-five (75) percent of the otherwise required buffer or thirty-five (35) feet, whichever is greater.

(iv) For a Category C, D and E wetland, a buffer modification shall not reduce the buffer to less than seventy-five (75) percent of the originally required buffer.

(v) A wetland buffer may be increased when:

1. The increase is needed to protect wetland functions; or
2. Buffer vegetation is inadequate to protect wetland functions and buffer re-establishment, rehabilitation or enhancement is not practical and reasonable; or
3. The wetland has a small contributing area; or
4. The wetland is a relict bog; or
5. For sloped lots, the sloped area between the development proposal and the wetland contains highly erodible soils.

(vi) Alteration of a critical area buffer for a public transportation or utility project that cannot be avoided as required by section ICC 17.05A.090.C.7 shall be approved when:

1. The project is needed to serve Island County residents.
2. The alteration has been reduced as required by section 17.05A.090.C.7;
3. To the extent feasible, crossing of naturally vegetated corridors is avoided;
4. When necessary, culverts are installed to maintain hydrology, and culvert installation shall be based on best available science and technology, provide for ecological function including fish passage, and shall not adversely impact floodplain functions or public recreational use as demonstrated in a BSA; and
5. If the alteration of the critical area cannot be immediately restored, the project includes mitigation required by this Chapter.
6. The project obtains the appropriate permits outlined in section 17.05A.080.

(g) Wetland mitigation standards

(i) Mitigation. Mitigation for approved wetland alterations that cannot be restored shall occur in the following order of preference:

1. Re-establishing wetlands on sites that were formerly wetlands. These sites commonly exist on soils classified as hydric by the NRCS;
2. Rehabilitating wetlands by restoring natural and/or historic wetland functions;
3. Creating or establishing wetlands on upland sites such as those consisting primarily of non-native, invasive plant species or to expand an existing wetland;
(4) Enhancing degraded wetlands; or

(5) Preserving, protecting or maintaining Category A, B, C or D wetlands that are under imminent threat of significant and undesirable ecological change. Provided that, preservation shall only be allowed on sites in the altered wetland's watershed; and when the Planning Director determines that the overall mitigation plan replaces the wetland functions lost due to the development proposal with improved wetland functions.

(iii) Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. The mitigation plan shall include monitoring elements to ensure certainty of success for the project's wetland area functions and values.

(iv) Buffer alteration. Compensatory mitigation for any approved wetland buffer alteration that cannot be restored shall be determined by the Planning Director on a case-by-case basis. Buffer mitigation may include any action that can achieve equal or improved wetland functions. When enhancement of the altered buffer is not practical or reasonable, mitigation preferences will otherwise be the same as for wetland mitigation.

(v) Mitigation by re-establishing, rehabilitating, creating, enhancing or preserving wetlands or wetland buffers should be completed in advance of activities that will disturb wetlands whenever practical and reasonable and must be based on a mitigation plan approved by the Planning Director. If mitigation is not completed in advance, then it should be completed before completion of the approved development proposal. Otherwise, mitigation shall be completed within one (1) year of the decision to require mitigation.

h. Wetland mitigation ratios.

(i) Compensatory mitigation for approved wetland alterations shall be based on the wetland category, the type of mitigation activity proposed, and the magnitude of the alteration. Mitigation shall be determined according to the ratios provided in Table 5 below.

Table 5: Wetland Mitigation Ratios

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Re-establishment or Creation</th>
<th>Rehabilitation</th>
<th>Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>6:1</td>
<td>10:1</td>
<td>20:1</td>
</tr>
<tr>
<td>B</td>
<td>3:1</td>
<td>6:1</td>
<td>12:1</td>
</tr>
<tr>
<td>C and D</td>
<td>2:1</td>
<td>4:1</td>
<td>8:1</td>
</tr>
<tr>
<td>E</td>
<td>1.5:1</td>
<td>2:1</td>
<td>4:1</td>
</tr>
</tbody>
</table>

* Ratio is the mitigation area: area of alteration

(ii) Mitigation ratios for wetland preservation shall be determined by the Planning Director on a case-by-case basis. Generally, the mitigation ratio
for preservation will be greater than 20:1 because preservation is the last priority mitigation option. However, preservation of a higher category wetland would allow the mitigation ratio to be reduced. A lower ratio may also be allowed when preservation is combined with other types of mitigation.

(iii) Unless the activity is voluntary, a site for a wetland that is re-established, rehabilitated, created, enhanced, or preserved shall have adequate room for the buffer required under this chapter.

(iv) The Planning Director shall have the authority to reduce the wetland mitigation ratios by up to forty (40) percent when the proposed mitigation:

1. Has a very high likelihood of success based on experience with similar mitigation projects; or

2. Will provide more significant wetland functions than the functions of the wetland being altered as documented in a wetland report.

(v) Mitigation ratios for approved wetland buffer alterations shall be determined by the Planning Director on a case-by-case basis. Generally, the mitigation ratio shall be at a 1:1 ratio but shall be established based on the nature and extent of the buffer intrusion and the wetland type and wetland functions. Mitigation ratios shall be greater than 1:1 in spatial extent (area) when necessary to compensate for temporal losses, uncertainty of performance, and differences in functions and values.

(vi) The Planning Director shall also determine, on a case-by-case basis, mitigation ratios for temporary alterations of wetlands or wetland buffers and the conversion of a wetland from one (1) wetland type to another. Generally, these ratios will be one-quarter (¼) (temporary alteration) to one-half (½) (conversion to another wetland type) of the ratios for permanent alterations.

i. Wetland report. A wetland report shall be submitted for all development proposals when the development proposal is located on a lot that contains or is affected by a wetland or wetland buffer. A wetland report will also be required for any request to modify a required wetland buffer. Wetland reports shall be prepared by a wetland professional and may be consistent with a BSA. A wetland report shall at a minimum include:

(i) A brief detailed description of the development proposal;

(ii) A description of assumptions and methodologies used to complete the analysis and appropriate documentation of all fieldwork;

(iii) A description of the wetland type, its specific location and the buffer that is appropriate for the wetland;

(iv) If an alteration is proposed for the wetland or wetland buffer, the wetland report shall describe actions that have been considered to avoid or reduce any alteration;

(v) If an alteration is proposed, a wetland mitigation plan; and
(vi) If a buffer modification is proposed, an explanation of why the modification will not adversely affect wetland functions.

j. Wetland mitigation plan. Unless a fee in-lieu of mitigation is allowed, wetland mitigation shall be based on a specific plan. If requested by an applicant, the County shall prepare the mitigation plan for a single family dwelling or accessory structure. Otherwise, the mitigation plan shall be prepared by the County or a wetland professional. Typically, a wetland mitigation plan shall include the following:

(i) The plan shall be based on applicable portions of the Wetland Mitigation in Washington State - Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised) or other appropriate guidance document.

(ii) Typically, if a wetland report is prepared, and an alteration is proposed or buffer modification requested, then the mitigation plan shall be included with the wetland report. The plan shall contain sufficient information to demonstrate that the proposed activities are practical and reasonable, ecologically sustainable and likely to succeed. Unless the Planning Director establishes the scope and content of a mitigation plan, the plan shall include:

1. A detailed description of the proposed mitigation and the rationale for the selection of the mitigation site. If off-site mitigation is proposed, an explanation of why on-site mitigation is not practical and reasonable;

2. An assessment of existing site conditions for the mitigation site including vegetation type, structure and composition; topography, hydrology and soil conditions; existing wetland functions if any; and for off-site mitigation, an estimate of future conditions of the site should mitigation not occur;

3. A grading and planting plan showing proposed post-construction topography, hydrologic patterns, spacing and distribution of plants, species; actions to provide or improve habitat, size and type of proposed plant stock, irrigation and other information that is relevant to the proposed mitigation;

4. A management plan that includes mitigation goals, benchmarks and review criteria; site treatment measures for the maintenance of the mitigation; and legal documents to be recorded by the County after approval of the plan;

5. A monitoring plan that specifies the standards and time period that will be used to monitor whether the mitigation is successful; and

6. A contingency plan that establishes the actions that will be taken should monitoring identify that the mitigation is not achieving the established benchmarks.

(iii) All mitigation projects shall be monitored, typically by the applicant, for a time period necessary to establish that mitigation goals and benchmarks have been met. The monitoring time period shall be established based on the type, complexity and uncertainty of the proposed mitigation. Five (5) years
of monitoring will usually be the minimum required to establish whether mitigation has successfully achieved equal or improved wetland functions. Ten (10) years may be typical for re-establishment, rehabilitation or creation.

(iv) Reports shall be submitted at a frequency established by the Planning Director for the monitoring time period to document the achievement of mitigation goals and benchmarks and recommended actions relating to the mitigation.

k. Off-site Mitigation.

(i) When allowed, offsite mitigation must be located within shoreline jurisdiction and ensure no net loss of shoreline ecological functions consistent with this Master Program.

(ii) When off-site mitigation for the alteration of a wetland is authorized, the Planning Director shall give first priority to locations within the same contributing area. The Watershed Characterization Maps priority areas for restoration and protection (produced as a part of the Existing Conditions Report for the 2016 Periodic Update) will be considered as a part of evaluating priority areas for off-site mitigation. Mitigation banks may also be established to allow off-site mitigation to compensate for alteration of a wetland or wetland buffers. Specific standards and procedures for establishing a wetland mitigation bank are in subsection m, wetland mitigation banks.

l. The Department may also develop a program for wetlands and streams to allow payment of a fee in lieu of providing on-site or off-site mitigation. The fee program should be available for use when on-site or off-site mitigation is not practical and reasonable. A fee in lieu of on-site or off-site mitigation is also appropriate when greater ecological benefits can be achieved through the use of fees. The mitigation fee program shall include:

(i) The specific circumstances when payment of a mitigation fee will be permitted;

(ii) The structure or method for calculating the amount of the mitigation fee; and

(iii) The specific procedures for establishing locations and wetland categories or types where or for which mitigation fees may be used.

m. Wetland mitigation banks. The County may approve mitigation in advance of development proposals through an approved mitigation bank. Mitigation banks may be approved by the County when:

(i) The bank is certified by the Washington State Department of Ecology;

(ii) The Planning Director determines that the wetland mitigation bank provides appropriate compensation for the authorized alteration;

(iii) The proposed use of credits is consistent with the terms and conditions of the bank's certification;

(iv) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification; and
(v) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, the service area of the bank may include portions of more than one (1) adjacent drainage basin for specific wetland functions.

(vi) The Watershed Characterization Maps (produced as a part of the Existing Conditions Report for the 2016 Periodic Update) priority areas for restoration and protection will be considered as a part of evaluating and identifying priority areas for mitigation bank.

D. Shoreline buffers, building shoreline setbacks, and impervious surface limits.

1. In order to protect shoreline ecological functions and shoreline scenic quality, minimum shoreline buffers are established as follows for all SMA shorelines in Island County. The minimum required buffer widths for each shoreline environment designation are shown in Table 3.

2. Residential development, including principal structures and all associated impervious surfaces, shall be located landward of the shoreline buffer plus building shoreline setback except as specified in this SMP or with the approval of a shoreline variance.

3. In all shoreline environment designations, a building shoreline setback shall be maintained from the landward edge of the required buffer. The minimum required building shoreline setbacks for each shoreline environment designation are shown in Table 3. Without a shoreline variance as provided in section 17.05A.130.G, No permanent structure or impervious surface may extend within the building setback, except as follows: as outlined in ICC 17.05A.090.E below.

   a. Impervious surfaces may not cover more than twenty (20) percent of the building setback area; and

   b. Structures less than thirty (30) inches in height may be allowed; and

   c. A single garden or storage structure over thirty (30) inches in height may be allowed as accessory to a single-family residence. Such structures shall be limited to 200 square feet and shall be subject to a maximum height of twelve (12) feet.

4. The steep slope buffers in Table 3 below are established to allow the natural erosion of bluffs as an important component of natural shoreline processes, while minimizing threats to structures. For this reason, any structures as defined in ICC 17.05A.070, except for upland retaining walls where necessary to protect a primary structure as documented by a geotechnical report, shall not be allowed within the steep slope buffer without approval of a Shoreline Variance.
### TABLE 3. Minimum Shoreline Buffers, Setbacks, Lot Widths, & Maximum Impervious Surface Limits

<table>
<thead>
<tr>
<th>Shoreline/Resource Type</th>
<th>Shoreline Environment Designation¹ (\text{Shoreline Environment Designation}²)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(\text{N} \quad \text{RC} \quad \text{UC} \quad \text{SR} \quad \text{SRCC} \quad \text{SRHBC}³ \quad \text{HI})</td>
</tr>
<tr>
<td>Marine buffer -measured landward from OHWM on marine shorelines (feet)²</td>
<td>125 75 50 30 0 20 30</td>
</tr>
<tr>
<td>Lake buffer -measured landward from OHWM on lake shorelines (feet)²</td>
<td>130 80 80 30 N/A N/A NA</td>
</tr>
<tr>
<td>Steep slope buffer -measured landward from top of bluff on marine shorelines with slopes greater than 40% (feet)</td>
<td>50 30 30 30 N/A N/A 50</td>
</tr>
<tr>
<td>Steep slope buffer -measured landward from top of bluff on marine shorelines with exceptional feeder bluffs (feet)</td>
<td>50 50 50 30 N/A N/A N/A</td>
</tr>
<tr>
<td>Setback , measured landward from the most landward of the required marine, lake, or steep slope buffer (feet)²</td>
<td>25 25 25 45 40 10 20</td>
</tr>
<tr>
<td>Minimum lot width (feet)</td>
<td>150 150 60 60 60 N/A 0</td>
</tr>
<tr>
<td>Maximum impervious surface (percent of lot within applies to only that portion of the lot within shoreline jurisdiction)³,⁴</td>
<td>10% 10% 10% 35% 40% 80% 80%</td>
</tr>
</tbody>
</table>

Environment Designations

---

*Note: The table includes data on minimum shoreline buffers, setbacks, lot widths, and maximum impervious surface limits for different shoreline resource types and environment designations.*
1. The buffers and setbacks in this table only apply within shoreline jurisdiction and do not extend beyond the 200ft jurisdiction.

2. These standards may be amended in accordance with the provisions of ICC 17.05A.090.E.

3. Pervious pavement or surfaces shall be considered as 50% pervious for the calculations of impervious surface area. Specifications of the proposed pervious product shall be submitted with the land use/building permit application. Pervious pavement of surfaces shall be installed per manufacturer’s standards.

4. Decks with gaps of at least 1/8” between boards located over a pervious surface shall be considered pervious.

5. The Shoreline Residential-Historic Beach Community Marine buffer and setback shall not be used to develop structures waterward of those on adjacent lots, based on a measurement of the commonline, using the provisions of ICC 17.05A.090.E.1.f.i.

6. Lots legally created prior to adoption of the Shoreline Management Act in 1972, may develop impervious surfaces to a maximum of 15%.

Note: The Aquatic designation does not have a minimum buffer or building shoreline setback.
5. Buffers shall be measured landward in a horizontal direction perpendicular to the Ordinary High Water Mark (OHWM) of the shoreline water body, and shall be a three-dimensional space that includes the airspace above.

6. Native vegetation within shoreline buffers shall be maintained in a predominately natural, undisturbed, undeveloped, and well-vegetated condition. Shoreline buffer vegetation may be modified only as specified in this SMP.

7. Shoreline buffers may be modified to include a trail up to five (5) feet in width that is the minimum length necessary to provide access to the shoreline. Beach access structures may be allowed as provided in section 17.05A.100.C.

8. Shoreline buffer areas that contain non-native trees, shrubs, and herbaceous vegetation may be maintained in their existing condition until such time as the existing landscaping in the shoreline buffer is removed. At such time, the landscaping shall be replaced with native vegetation in accordance with section 17.05A.090.G ICC, or the entire site is developed or redeveloped under these regulations.

9. When development is proposed on a site where the shoreline buffer area does not have native vegetation throughout, the buffer shall be required to be enhanced with native trees and shrubs that contribute to habitat quality and ecological functions, proportionate to the impacts of the proposed development as determined by the Shoreline Administrator. If the site will not support trees and shrubs, the Shoreline Administrator may allow use of native herbaceous plants. As a general guideline, for development outside of any required setback or buffer, the percentage of the buffer to be enhanced should equal the percentage increase in impervious lot coverage on the site. Any enhancement required pursuant to setback or buffer modification provisions of this Program would be in addition to this general guideline.
9. Buffer areas and any required enhancement plantings, shall be shown on the site plan, require approval of the Administrator, and be recorded with the County Auditor as requirements that remain for as long as the approved development remains on the property.

10. The applicant shall monitor the condition of any buffer enhancement required by this Program and report annually in accordance with section 17.05A.090.G.1.d, for a period of five (5) years on the condition of any buffer enhancement required by this Program. Monitoring shall include photographs of the plantings and an inventory of plant survival and cover expressed as a percent of the planting area. Buffer enhancement plantings shall have targets for vegetative cover that must be met within or by the fifth growing season. At that time, if the vegetative cover does not meet the target, additional planting or other action may be required and the monitoring period extended. The target for vegetative cover shall be ninety (90) percent unless the Shoreline Administrator modifies the required target after determination that environmental conditions indicate less vegetative cover more nearly matches what a naturally occurring plant community would achieve at the particular location.

13. Within Shoreline Residential Canal and Historic Beach Communities, landscaping vegetation above 30 inches in height shall not be permitted within the water view corridor. Plantings within the shoreline buffer shall be installed in accordance with ICC 17.05A.090.G.

E. Shoreline setback, and shoreline buffer modifications permitted without a shoreline variance. Before the placement of any structures within the shoreline setback or buffer, property owners are encouraged to consult the Projected Sea Level Rise for Washington State, a 2018 Assessment and all related risk assessment and sea level rise planning guidance prepared by Island County.

1. On lots where the area of the lot outside of the standard shoreline buffer and building setback as indicated in Table 3, the required side setbacks in chapter 17.03, and any required critical area buffer is less than 2,200 square feet, development may extend into the building setback provided:
   a. The maximum building footprint (including principal structures and all associated impervious surfaces) shall be no larger than 2,200 square feet;
   b. There is no opportunity to consolidate lots under common ownership that will alleviate the nonconformity;
   c. The proposed development has utilized the maximum portion of the lot outside of the shoreline buffer, building setback, critical areas, and critical area buffers before extending into the building setback; and

1. Shoreline setback and buffer alterations
   a. Requirements for all development proposed in the shoreline buffer or shoreline setback.
      (i). Buffer enhancement is shall be provided consistent with section 17.05A.090.F and G.
(ii). If the proponent removes impervious surface between the OHWM and the shoreline buffer or setback, the area (square feet) of removed impervious surface may be deducted from the total of new impervious surface area for which enhancement of the buffer is required.

(iii). The residence shall be located in the least environmentally damaging location relative to the shoreline and any critical areas;

(iv). The residence shall be located outside of areas subject to geologic hazards;

(v). A geologic geocoastal analysis indicates that with the reduced setback or buffer, the proposed structure will not require shoreline stabilization for the life of the single-family residence, typically 100 years;

(vi). The applicant has signed and recorded with the county a covenant that meets all the requirements as provided in section 11.02.170 and runs with the title of the property that waives any claim against Island County by reason of or arising out of issuance of the permit or approval by Island County for the development of the property and acknowledges that the structure was built in a location on the lot closer than normally permitted on the condition that it would not require future shoreline stabilization over the life of the structure, and that county regulations would not allow stabilization to protect the structure or other improvement should this presumption prove incorrect.

(vii). Any septic drainfield shall be located landward of the single-family residence, whenever possible, in compliance with Island County Health regulations;

(viii). Measures shall be taken to mitigate all adverse impacts, including using low impact development measures where appropriate, such as pervious pavement for driveways and other hard surfaces and infiltrating stormwater runoff through bioswales except where this would threaten slope stability, increase erosion, or potentially degrade groundwater quality;

(ix). Copper shall not be used in any exterior finish material; and

(x). Any alteration to the buffer area will not result in a net loss of shoreline ecological function nor increase the risk of slope failure or downslope stormwater drainage impacts.

b. Development permitted within the shoreline setback,

(i). Impervious surfaces may not cover more than twenty (20) percent of the shoreline setback area.

(ii). Structures less than thirty (30) inches in height may be allowed, such as patios, decks, planter beds, or short fences.

(iii). In the Shoreline Residential environment, a single garden or storage structure over thirty (30) inches in height may be allowed as accessory to a single-family residence. Such structures shall be limited to 200 square feet and shall be subject to a maximum height of twelve (12) feet.

(iv). Single-family residential development may be allowed in a shoreline setback per the requirements of section 17.05A.090.E.1.d through f below.
(v). Beach access established in accordance with ICC 17.05A.100.C.

c. Development permitted within the shoreline buffer.

(i). In the Shoreline Residential Environment Designation, a single boathouse may be allowed as accessory to a single-family residence. Such structures shall meet the requirements of ICC 17.05A.100.D.31.

(ii) Beach access established in accordance with ICC 17.05A.100.C.

(iii) Boating facilities established in accordance with ICC 17.05A.100.D.

(iv). Shoreline stabilization established in accordance with ICC 17.05A.110.A.

(v). Moorage facilities established in accordance with ICC 17.05A.100.D.

(vi) Breakwaters, jetties, groins, tidegates, and weirs established in accordance with ICC 17.05A.110.E.

(vii). Single-family residential development may be allowed in a shoreline setback per the requirements of section 17.05A.090.E.1.d through f below.

(viii). Stormwater outfalls and culverts established in accordance with ICC 17.05A.100.L.

d. Development on non-conforming lots. New single-family development on any legal lot in shoreline jurisdiction that is nonconforming with respect to the required buffer and setback standards may be allowed without a shoreline variance when:

(i). The depth of the lot (distance from the ordinary high water mark to the inside edge of the front yard setback) is equal to or less than the standard shoreline buffer and setback as indicated in Table 3 of this section; or

(ii). The buildable area lying landward of the shoreline buffer and interior to required side and front yard setbacks is not more than 2,200 square feet and the driveway is not more than 1,100 square feet. The buildable area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; and

(iii) Appropriate measures are taken to mitigate all adverse impacts, including using low impact development measures such as pervious pavement for driveways and other hard surfaces within the buffer and setback; and

(iv). Opportunities to vary the side yard and/or frontage setbacks are implemented to reduce the nonconformity when doing so will not create a hazardous condition or a condition that is inconsistent with this program or other chapters of Island County Code; and

(v) The residence is located in the least environmentally damaging location relative to the shoreline and any critical areas; and

(vi) The lot is not subject to steep or unstable slopes; and

(vii) All structures are as far landward as possible and shall not reduce the buffer by 50 percent; and

(viii) At least 80 percent of the buffer area between the structures and the shoreline and/or critical area is maintained in a naturally vegetated
condition under a buffer enhancement plan developed in accordance with ICC 17.05A.090.G.1.

e. Replacement and expansion of existing residential structures in shoreline setbacks and buffers.

| Permit Processes for Replacement and Expansion Existing Residential Structures in Shoreline Setbacks and Buffers |
|--------------------------------------------------|----------------|----------------|
| Replacement²                                   | Shoreline Buffer | Shoreline Setback | Steep Slope Setback¹ |
| (same footprint)                               | P               | P               | P               |
| Expansion/Modification³                          | V               | V               | V               |
| (including upwards expansion in height and expansion underneath existing footprint) |                 |                 |                 |

1. A geotechnical report will first be required for replacement or expansion of existing residential structures in the steep slope setback to determine if proposed action is safe.

2. As defined in ICC 17.05A.070

3. As defined in ICC 17.05A.070

P – Shoreline permitted use

V – Shoreline variance

2. (i). Expansion of existing residential structures into the shoreline setback. A legally established residential structure (including principal structures and all associated impervious surfaces) located wholly or partially within shoreline buffer or building shoreline setback may expand into the shoreline building setback provided:

   (1) a. The maximum building footprint (including principal structures and all associated impervious surfaces) within shoreline jurisdiction shall be no larger than 2,200 square feet; and

   b. There is no opportunity to consolidate lots under common ownership that will alleviate the nonconformity;

   (2) c. The proposed development has utilized the maximum portion of the lot outside of the shoreline buffer, building setback, critical areas, and critical area buffers before extending into the building setback; and

   d. Buffer enhancement is provided consistent with section 17.05A.090.G.

3. (ii). Replacement of existing residential structures. A legally established residential structure (including principal structures and all associated impervious surfaces) located wholly or partially within shoreline buffer or building shoreline setback may be replaced provided the footprint and
height of the replacement structure in the building shoreline setback and shoreline buffer is less than or equal to the footprint and height of the original structure, the replacement structure is placed in the same location or no closer to the OHWM as the original structure, and buffer enhancement is provided per section 17.05A.090.G.

4. (iii). Expansion or modification of existing residential structures in the Rural Conservancy environment. In the rural conservancy environment, an existing legally established or nonconforming residential structure (including principal structures and all associated impervious surfaces) located wholly within the shoreline buffer may be modified or expanded provided:
   a. Any expansion of the building’s footprint or any new impervious surface are located landward of the rear foundation wall (the wall furthest from the water) of the existing structure;
   b. There is no opportunity to consolidate lots under common ownership to alleviate the nonconformity;
   c. Buffer enhancement is provided consistent with section 17.05A.090.G.

5. The following provisions shall apply to any development proposed within a shoreline buffer or building shoreline setback:
   a. The residence shall be located in the least environmentally damaging location relative to the shoreline and any critical areas;
   b. The residence shall be located outside of areas subject to geologic hazards;
   c. A geologic geocoastal analysis indicates that with the reduced setback or buffer, the proposed structure will not require shoreline stabilization for the life of the single-family residence, typically 100 years;
   d. The applicant has signed and recorded with the county a covenant that meets all the requirements as provided in section 11.02.170 and runs with the title of the property that waives any claim against Island County by reason of or arising out of issuance of the permit or approval by Island County for the development of the property and acknowledges that the structure was built in a location on the lot closer than normally permitted on the condition that it would not require future shoreline stabilization over the life of the structure, and that county regulations would not allow stabilization to protect the structure or other improvement should this presumption prove incorrect.
   e. Any septic drainfield shall be located landward of the single-family residence, whenever possible, in compliance with Island County Health regulations;
   f. Measures shall be taken to mitigate all adverse impacts, including using low impact development measures where appropriate, such as pervious pavement for driveways and other hard surfaces and infiltrating stormwater runoff through bioswales except where this would threaten slope stability, increase erosion, or potentially degrade groundwater quality; and
   g. Copper shall not be used in any exterior finish material.

F. f. Commonline Shoreline setback and shoreline buffer reductions (refer to Figure 1 at the end of this chapter). The common line setback and shoreline buffer
reduction procedures described in this section shall only apply to the main residence and shall not be used to reduce a steep slope buffer.

(i) 4. Commonline setback reduction. Single-family residential development may be allowed in a shoreline setback, or a marine-or lake buffer, where there are legally established residences on abutting parcels adjacent to and within 100 feet of the proposed residence project site that are waterward or partially waterward of the required shoreline buffer or building shoreline setback. In such cases, a single-family residential structure may be constructed within a marine or lake buffer, or within a shoreline setback provided the proposed structure is set back from the OHWM to a common line drawn between the waterward-side corners of the facades of each adjacent residence residential structure that are nearest to the proposed structure.

(1) If the common line setback allows the placement of a residential structure in the shoreline buffer, the area of the buffer shall not be reduced by more than fifty (50) percent.

(2) If the common line setback allows the placement or expansion of a residential structure in the shoreline buffer or shoreline setback the proponent shall enhance the remainder of the buffer that is unaffected by the placement or expansion of the residential structure and any accessory structures.

(3) Use of the commonline setback shall not allow for upper-story decks or other components of the residence to project into the commonline, except for eaves which may extend into the commonline by 18 inches.

(1) If a lot proposed for development has:

   (a) two (2) legally established residences within 100 feet of the proposed residence; and

   (b) both are waterward or partially waterward of the required marine or lake buffer or shoreline setback; but

   (c) only one (1) of the legally established residences within 100 feet is on an abutting parcel; then only one (1) residentially developed lot adjacent to and within 100 feet of the project site where there is a legally established residence that is waterward or partially waterward of the required marine or lake buffer or building setback,

   (d) the minimum building shoreline setback may be reduced to the average of the two (2) nearest residential structures within 100 feet of the proposed residence project site on lots abutting the same shoreline or the required marine or lake buffer width for the shoreline designation in which the proposed structure is located, whichever is the greater distance from the OHWM.

(2) If a lot proposed for development has:
(a) only one (1) legally established residence within 100 feet of the proposed residence that is waterward or partially waterward of the required marine or lake buffer or shoreline setback; and

(b) such legally established residence is on an abutting parcel; then

(c) the minimum shoreline setback may be reduced to the average between the setback of the nearest residence within 100 feet of the proposed residence on a lot abutting the same shoreline and the required marine or lake buffer width for the shoreline designation in which the proposed structure is located, whichever is the greater distance from the OHWM.

(3) Use of setback averaging shall not allow for upper-story decks or other components of the residence to project into the averaged setback, except for eaves which may extend into the averaged setback by 18 inches, provided that eaves shall not project into the shoreline buffer.
3. If the common line setback allows the placement of a residential structure in the shoreline buffer, the area of the buffer shall not be reduced by more than fifty (50) percent.

4. If the common line setback allows the placement or expansion of a residential structure in the shoreline buffer or building setback the proponent shall enhance the remaining buffer consistent with section 17.05A.090.G.

(iii). Setback reductions within canal communities. Within canal communities, the shoreline setback may be reduced to 24ft for new residential development or expansion of existing residential development, including the primary structure, all accessory structures and appurtenances and all impervious surfaces under the following conditions:

(1) The setback may not be reduced less than the amount that would be allowed under the common line setback reduction regulations or setback averaging regulation at section 17.05A.090.E; and

(2) For any new structure or expansion of an existing structure, in which the footprint of the expansion will increase total impervious surface in the setback, the proponent shall enhance an equal area of the setback with native vegetation meeting the requirements of section 17.05A.090.H.

(iv) Modification of shoreline buffer and setback requirements to encourage restoration. If a property owner removes existing structural shoreline stabilization and replaces it with natural soft shore stabilization in accordance with Army Corps of Engineers and National Marine Fisheries Service standards for shoreline restoration, and after such removal of the shoreline stabilization the OHWM shifts inland toward the principal structure on the site, causing the structure to be non-conforming with regards to the shoreline setback or buffer, then the standard shoreline buffer (or setback in the canal communities) may be reduced in accordance with the following standards.

(1) The standard shoreline buffer (or setback in canal communities) may be reduced by a distance equal to the distance that the OHWM has shifted inland toward the principal structure on the site; and

(2) The shoreline buffer shall in no case be reduced by more than fifty (50) percent of the required buffer width.

(3) Approval of a shoreline buffer reduction for removal of structural shoreline stabilization shall be contingent on Island County approval of a project shoreline restoration plan. The Shoreline Administrator shall make final decisions on approval of buffer reduction requests based on the information provided and compliance with the provisions of this Program.

(4) An approved buffer reduction granted by the county as the result of removal of structural shoreline stabilization may be held as a credit for up to five (5) years and used to reduce the standard shoreline buffer (or setback in a canal community) from section 17.05A.090.D.
(Table 3) only for expansions or modifications of structures which existed at the time the hard armoring was proposed for removal.

FG. Shoreline buffer enhancements required (refer to Figure 2 at the end of this chapter).

1. In cases where new, expanded (greater than 200 square feet), or replaced residential structures (including principal structures and all associated impervious surfaces) are permitted in the shoreline building setback or buffer, buffer enhancement shall be provided in accordance with the table below for residential structures, including principal structures, all accessory structures and appurtenances, and all associated impervious surfaces, when allowed within the shoreline setback or buffer under the provisions of ICC 17.05A.090.E, as follows:

<table>
<thead>
<tr>
<th>Shoreline Buffer Enhancements Required</th>
<th>Buffer Enhancements Required/Not Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>New ≤ 50sqft</td>
<td>Not Required</td>
</tr>
<tr>
<td>New &gt; 50sqft</td>
<td>Required</td>
</tr>
<tr>
<td>Replacement, same footprint</td>
<td>Not Required</td>
</tr>
<tr>
<td>Replacement, different footprint</td>
<td>Required</td>
</tr>
<tr>
<td>Expanded or Modified ≤ 200sqft and adds impervious surface</td>
<td>Required</td>
</tr>
<tr>
<td>Expanded or Modified ≤ 200sqft and does not add impervious surface</td>
<td>Not Required</td>
</tr>
<tr>
<td>Expanded or Modified &gt; 200sqft and adds impervious surface</td>
<td>Required</td>
</tr>
<tr>
<td>Expanded or Modified &gt; 200sqft and does not add impervious surface</td>
<td>Required</td>
</tr>
<tr>
<td>Expanded upwards, within same footprint</td>
<td>Not Required</td>
</tr>
</tbody>
</table>

1. For residential structures, including principal structures, all accessory structures and appurtenances, and all associated impervious surfaces, in accordance with ICC 17.05A.090.G below.

2. Except where the difference between the existing and new footprint is ≤ 200sqft and does not add impervious surface to the shoreline setback or buffer.

3. Within the shoreline setback or buffer.

4. The permit process shall be consistent with the requirements of ICC 17.05A.090.E.1.c.

a. If the expansion or modification is greater than 200 square feet and adds impervious surface to the building setback, including the primary structure and all accessory structures and appurtenances, the proponent shall be required to enhance an equal area of the shoreline buffer with native vegetation;

b. If the expansion or modification is greater than 200 square feet and adds any new impervious surface within the shoreline buffer, including the primary structure and
all accessory structures and appurtenances, the proponent shall be required to enhance an equal area of the shoreline buffer with native vegetation; and

2. Buffer enhancement shall meet the requirements of section 17.05A.090.H.

3. Requirements for vegetation enhancement associated with development in the building shoreline setback or buffer shall apply to the total of all new building area added on a project site after the effective date of this Program.

4. If the proponent removes impervious surface from within the shoreline buffer or building shoreline setback, the horizontal area (square feet) of removed impervious surface may be deducted from the total of new impervious surface area for which enhancement of the buffer is required.

5. For shoreline property owners that have removed structural shoreline stabilization in advance of shoreline development or redevelopment, Island County may give mitigation credit to any beneficial restoration action that occurred within five (5) years of the proposed development or redevelopment activity, provided that:

   a. The applicant or property owner provides conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;

   b. The county confirms via site inspection, photographs, affidavits or other evidence that the restoration actions have improved shoreline conditions; and

   c. The applicant or property owner provides assurances that the restoration area will be maintained for the life of the project. The assurance can be in the form of a notice on title, conservation easement, or similar mechanism.

6. When development involving greater than 200 square feet of new impervious surface creation is proposed on a site where the shoreline buffer area consists of less than fifty (50) percent native vegetation, the buffer shall be required to be enhanced with native trees, shrubs, and herbaceous plants. The applicant shall install native plants based on a standard shoreline buffer enhancement plan adopted by Island County Planning and Community Development. For development outside of any required setback or buffer, the percentage of the buffer to be enhanced shall equal the percentage increase in impervious lot coverage on the site. Any enhancement required pursuant to setback or buffer modification provisions of this Program shall be in addition to this requirement.

Shoreline buffer enhancement protects and preserves water quality, wildlife habitat, and human health and safety. All enhancement measures shall be protected in perpetuity and pass an initial inspection and 5-year inspection that meets the following performance standards:

   a. Greater than 90% survival of native plants at 5 years; and

   b. less than 10% coverage with invasive species.

GH. Shoreline buffer enhancement standards.

1. In all cases where shoreline buffer enhancement is a required condition of development in the shoreline buffer or building shoreline setback, the following shall apply:
a. An approved landscape buffer enhancement plan subject to county approval is required and shall contain the following:

(i) A buffer enhancement plan subject to county approval shall be submitted. The plan will describe how the requirements of this section will be met;

(ii) The plan shall take into account native growing conditions and specify appropriate plants and planting density for achieving a viable and self-sustaining buffer. If the site will not support trees and shrubs, native herbaceous plants shall be planted; and

(iii) An approved certificate of occupancy and/or final building inspection shall be contingent upon installation of the shoreline buffer enhancement and inspection by Island County staff. Failure to implement the approved landscape enhancement plan is a violation of this chapter and will result in immediate revocation of all issued development permits.

b. Monitoring requirements.

(i) Monitoring reports shall be submitted annually to the Shoreline Administrator for at least five (5) years after planting, unless the Shoreline Administrator determines that a longer period or different frequency is appropriate. Monitoring must continue until all vegetation standards are met.

(ii) Monitoring reports shall include photographs of plantings taken at approximately the same locations and time each year, preferably during the growing season.

(iii) Monitoring shall report the extent and type of vegetation present in the enhancement area as the proportion (percent cover) of the enhancement area they cover. The methods used to determine the cover shall be described and reported for the following categories of plants: native trees, shrubs, and herbaceous plants; non-native trees, shrubs, and herbaceous plants.

(iv) Buffer enhancement plantings shall have targets for vegetative cover that must be met within or by the fifth growing season. Buffer enhancement shall be inspected by County staff upon installation of plantings and upon completion of the fifth year of monitoring, but inspections may occur throughout the monitoring period. Upon completion of the fifth year, if the vegetative cover does not meet the target, additional planting or other action may be required and the monitoring period extended.

(v) The target for vegetative cover shall be ninety (90) percent within the enhancement area unless the Shoreline Administrator modifies the required target after determination that environmental conditions indicate less vegetative cover more nearly matches what a naturally occurring plant community would achieve at the particular location.

I. Modification of shoreline buffer and setback requirements to encourage restoration.

1. If a property owner removes existing structural shoreline stabilization and replaces it with natural soft shore stabilization in accordance with Army Corps of Engineers and
National Marine Fisheries Service standards for shoreline restoration, the standard shoreline buffer (or setback in the canal communities) may be reduced by a distance equal to the distance that the OHWM is moved toward the principal structure on the site following removal of the structural stabilization, up to fifty (50) percent of the required buffer width.

2. Approval of a shoreline buffer reduction for removal of structural shoreline stabilization shall be contingent on Island County approval of a project shoreline restoration plan. The Shoreline Administrator shall make final decisions on approval of buffer reduction requests based on the information provided and compliance with the provisions of this Program.

3. An approved buffer reduction granted by the county as the result of removal of structural shoreline stabilization may be held as a credit for up to five (5) years and used to reduce the standard shoreline buffer (or setback in a canal community) from section 17.05A.090.D (Table 3) for future onsite development.

4. For shoreline property owners that have removed structural shoreline stabilization in advance of shoreline development or redevelopment, Island County may give mitigation credit to any beneficial restoration action that occurred within five (5) years of the proposed development or redevelopment activity, provided that:

   a. The applicant or property owner provides conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;

   b. The county confirms via site inspection, photographs, affidavits or other evidence that the restoration actions have improved shoreline conditions; and

   c. The applicant or property owner provides assurances that the restoration area will be maintained for the life of the project. The assurance can be in the form of a notice on title, conservation easement, or similar mechanism.

J. Shoreline setback modification in canal communities.

1. New residential development or expansion of existing residential development, including the primary structure, all accessory structures and appurtenances and all impervious surfaces may be placed in the landward forty (40) percent of the shoreline setback under the following conditions:

   a. The setback may not be reduced by an amount greater than would be allowed under the common line setback reduction regulations at section 17.05A.090.F;

   and

   b. For any new structure or expansion of an existing structure, in which the footprint of the expansion will increase total impervious surface in the setback, the proponent shall enhance an equal area of the setback with native vegetation meeting the requirements of section 17.05A.090.H.

2. Requirements for vegetation enhancement associated with development in the setback shall apply to the total of all new building area added on a project site after the effective date of this Program.
3. If the proponent removes impervious surface between the OHWM and the shoreline buffer or building setback, the area (square feet) of removed impervious surface may be deducted from the total of new impervious surface area for which enhancement of the buffer is required.

K. Shoreline vegetation conservation.

1. Unless otherwise specified, all shoreline use and development, including preferred uses and uses exempt from permit requirements, shall comply with the buffer provisions of this Program to protect and maintain shoreline vegetation and habitat.

2. Removal of native vegetation shall be avoided, where feasible. Where removal of native vegetation cannot be avoided, it shall be minimized to protect ecological functions. If non-native vegetation is to be removed, then it shall be replaced with native vegetation within the shoreline jurisdiction.

3. Native plant materials that are equivalent to those which would typically occur with respect to size, structure, and diversity at maturation shall be used in restoration, rehabilitation, or enhancement projects.

4. Natural features such as snags, stumps, logs, drift logs, or uprooted trees shall be left undisturbed to support fish and other aquatic systems, except where they would adversely affect navigation or represent a human health or safety risk.

5. Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section to ensure shoreline functions, values, and processes are maintained and preserved. A shoreline permit or written statement of exemption shall not mandate, nor guarantee, unobstructed horizontal or lateral visibility of the water, shoreline, or any specific feature near or far.

6. Topping trees is prohibited.

7. Selective pruning or thinning of trees for safety or view protection or maintenance may be allowed when it is limited to:
   a. Removal of no more than twenty-five (25) percent of the canopy of any tree or group of trees (calculated based on the area of the crown, or upper portion(s) comprised of branches and leaves or as determined by a certified arborist) in any given five-year period; or
   b. Pruning of trees that does not affect ecological functions. No more than twenty (20) percent of the limbs on any single tree may be removed and no more than twenty (20) percent of the canopy cover in any single stand of trees may be removed in a given five-year period. Pruning shall comply with the National Arborist Association pruning standards, unless the tree is a hazard tree as certified by an arborist and approved by the Shoreline Administrator.

8. The Shoreline Administrator may deny a request or condition approval of vegetation management or removal proposals for view maintenance if it is determined the action will result in an adverse effect to any of the following:
   a. Slope stability;
   b. Habitat value;
   c. Health of surrounding vegetation;
d. Risk of wind damage to surrounding vegetation;

e. Nearby surface or ground water; or

f. Water quality of a nearby water body.

9. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the state noxious weed list is permitted in shoreline locations if provision is made for re-establishment of native vegetation in the disturbed area. Ground based motorized equipment may be used if accompanied by a plan for the re-establishment of native vegetation, and with prior written approval of the Shoreline Administrator.

10. Aquatic weed control shall occur in compliance with all other applicable laws and standards. Use of chemical methods of weed control shall only be allowed when done by a qualified professional.

11. Subdivision of property shall be in a configuration that will not require significant vegetation removal or shoreline modification and that will not adversely impact ecological functions. Each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

**Flood hazard reduction**

8. New flood control works are only allowed in the shoreline jurisdiction if it is demonstrated by analyses prepared by qualified professionals that: Flood control works shall only be allowed in the shoreline if

a. they are necessary to protect existing development or to mitigate or resolve existing stormwater problems; and

b. the primary use being protected is consistent with this Program;

c. non-structural flood hazard reduction measures have been demonstrated to be infeasible;

d. the flood control works can be developed in a manner that is compatible with multiple use of shoreline resources for the long term, including shoreline ecological functions, fish and wildlife management, and recreation;

e. Impacts to critical areas can be successfully mitigated to result in no net loss of shoreline ecological functions;

f. Appropriate vegetation conservation actions will be undertaken; and

g. Work within regulated streams or other fish and wildlife habitat must conform to all environmental protection criteria and provide for enhanced ecological function and fish access.

9. Flood control works to protect existing development shall be permitted only when the primary use being protected is consistent with this Program, and the flood control works can be developed in a manner that is compatible with multiple use of shoreline resources for the long term, including shoreline ecological functions, fish and wildlife management, and recreation.
40.9 When allowed, new structural flood hazard reduction measures shall be located landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis.

44.10 Solid waste shall not be stored in areas subject to flooding unless it can clearly be demonstrated that complete and effective flood-proofing of structures or equipment can be accomplished.

42.11 All new development proposals must select the least impactful area for development. Where feasible, development should be located outside of the Special Flood Hazard Area.

12. Small scale structural flood hazard reduction measures such as raising a building above the base flood elevation, or the creation of underfloor spaces meeting the requirements of FEMA/FIA Technical Bulletin (TB) 11-1 (as amended), are not subject to the regulations of this section, ICC 17.05A.090.I.

13. The removal of substrate for flood management purposes is prohibited.

14. The applicant must provide the following information:
   a. Flood hazard area characteristics adjacent to the project area;
   b. Physical, geological and soil characteristics of the area;
   c. An analysis of alternative flood protection measures, both structural and nonstructural;
   d. Shoreline stabilization measures and flood protection works within the area existing at the time of application;
   e. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
   f. Biological resources and predicted impact to fish, vegetation and animal habitat associated with shoreline ecological systems.

II4. Public Access

... 

5. Physical public access shall be incorporated into all development proposals on public lands, all public and private commercial and industrial developments, all publicly funded projects, and all residential subdivisions of five (5) or more lots as required by section 17.05A.100.J, unless the project proponent demonstrates that any of the following conditions exist:

... 

II4. Water quality and quantity

... 

K. Lighting.
1. Except as necessary to meet federal, state, and local safety or navigation standards, all external lighting fixtures must be shielded, recessed and dark sky rated. Light must be directed downward and away from:
   a. Wetlands and associated buffers;
   b. Fish and wildlife habitat conservation areas and associated buffers;
   c. Adjoining properties; and
   d. Public roads or rights-of-way.

2. All glare and reflections from external light sources must be contained within lot boundaries.

3. Flashing or blinking lights are prohibited.

4. Dock lighting shall be designed to shine downward but not on the surface of the water, be of low wattage, and shall not exceed a height of three (3) feet above the dock surface.
N17.05A.100 - Shoreline specific use regulations.

B. Aquaculture.

6. New aquatic species that have not been previously cultivated in Washington State shall not be introduced into Island County waters without written approval from the Washington Department of Fish and Wildlife.

7. A shoreline conditional use permit is required for any new commercial aquaculture use or development including conversions from non-geoduck aquaculture to geoduck aquaculture. Any geoduck aquaculture operation that causes substantial interference with normal public use of the surface waters shall require a substantial development permit. The following standards and requirements shall apply to commercial geoduck aquaculture:

20. In promotion of the Island County solid waste management plan and with the associated goal of eliminating marine debris, aquaculture permit applicants shall submit for approval, a solid waste reduction and recycling plan.

21. Overwater work shelters and sleeping quarters accessory to aquaculture use/development shall be prohibited.

22. Floating/hanging aquaculture structures and associated equipment shall not exceed 10 feet in height above the water’s surface. The administrator may approve hoists and similar structures greater than 10 feet in height when there is a clear demonstration of need. The 10-foot height limit shall not apply to vessels.

23. Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.

24. Proposed aquaculture applications shall submit the following information at a minimum:

25. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, feed, chemicals or other such materials shall be used until approval is obtained from all appropriate state and federal agencies, including the U.S. Food and Drug Administration, the Washington Department of Agriculture, Washington Department of Health (WDOH), WDOE, and WDFW, and proof of such approvals has been submitted to the department.

C. Beach access.

1. Beach access structures shall only be allowed where the structure would provide access to a publicly owned beach or where the party proposing the beach access structure has rights of access to the adjoining tidelands.
2. In all shoreline designations beach access structures shall be prohibited on or adjacent to exceptional marine feeder bluffs.

4. When permitted, beach access structures shall be located, designed and operated to avoid critical areas and prevent a net loss of shoreline ecological functions or processes, including, but not limited to:
   a. Habitat;
   b. Slope stability;
   c. Sediment transport; and
   d. Water quality.

7. Public beach access structures shall conform to applicable Americans with Disabilities Act (ADA) standards.

8. When allowed, one beach access structure may be located per lot within the shoreline buffer, provided that:
   a. There is no other available public or community beach access within 500 feet (measured in a direct linear line) of the lot or lots to be served by the proposed access;
   b. The structure is the minimum size necessary to provide access;
   c. Walkways shall not be covered;
   d. The clear width of any walkway, staircase, tower, or tram shall be at least three (3) feet, and not exceed five (5) feet;
   e. Landings may not exceed fifty (50) square feet each, except that for public access structures, a mid-slope resting area of up to 100 square feet may be allowed; and
   f. The structure shall not extend more than twelve (12) vertical feet above the bank or slope.
   g. A property owner of multiple adjacent lots shall be limited a total of one beach access structure between all adjacent lots.

9. Where not already required by the provisions of ICC 17.05A.100.J.5, and where communities of five (5) lots or more, create a shared community beach access, the following increased size limitations can be applied.
   a. The maximum clear width of a shared community walkway, staircase, tower, or tram shall be six (6) feet.
   b. Landings may not exceed 100 square feet.

10. Beach access structures shall be prohibited if any of the following apply:
    a. The structure would adversely impact a critical area or marine feeder bluff, or increase landslide or erosion hazards; or
    b. The structure is likely to interfere with natural erosion and accretion processes; or
c. The bank slope where the structure is placed is likely to require shoreline stabilization/shoreline defense works in the future to protect the beach access structure; or

d. Substantial bank or slope modification is required.

11. Permit applications for beach access structures shall include adequate geotechnical and biological analysis to determine whether the structure meets the standards of this section.

12. Existing lawfully constructed nonconforming beach access structures may be repaired or replaced in kind consistent with other provisions of this Program.

D. Moorage facilities (docks, piers, boat lifts, canopies, covered moorage, mooring buoys and floats).

1. New docks, piers, and floats shall be limited to the minimum size necessary for water-dependent uses, public access, or ecological restoration.

2. New docks, piers, and floats shall be located and designed in a manner so as not to interfere with geohydraulic shoreline processes.

3. The location and design of new or replaced docks, piers, and floats, as well as the subsequent use, shall minimize adverse effects to fish, shellfish, wildlife, and water quality and shall not result in a net loss of shoreline ecological function. Unavoidable impacts shall be mitigated consistent with the mitigation sequence of section 17.05A.090.C.7.
4. New or replaced docks, piers, and floats shall be located, designed, and operated so as not to interfere with rights of adjacent property owners, navigation, or adjacent water uses.

5. All docks, piers, and floats shall be constructed consistent with state and federal requirements.

6. New or replaced docks, piers, and floats associated with single-family residences shall not be approved unless the following information has been provided:
   a. Demonstrate by submitting documentation including but not limited to a written narrative, photographs and vicinity maps that existing shared, public or community facilities are not adequate or available for use; and
   b. Indicate by submitting documentation including but not limited to a written narrative, feasibility studies, photographs, correspondence with neighboring property owners, and vicinity maps that a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible.

7. Each dock, pier, or float proposal shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential and cumulative impacts on littoral drift, sand movement, water circulation and quality, fish and wildlife, navigation, scenic views, and public access to the shoreline and the best available background information on tidal currents, wave height, and prevailing storm wind conditions.

8. New docks, piers, and floats associated with residential uses on marine waters shall be the minimum size required to provide for moorage. Single family piers or docks shall not exceed ninety (90) feet in length measured perpendicularly from the OHWM. Shared moorage may extend up to 110 feet in length if demonstrated to be necessary to provide adequate moorage.

9. New piers, docks, and floats on marine waters shall have a maximum width of four (4) feet and a maximum walkway width of four (4) feet.


11. For new docks, piers, and floats associated with residential uses on lakes, the maximum waterward intrusion of any portion of any pier or dock shall not extend further waterward than the average intrusion of the piers, docks, and floats on lots abutting the location of the new dock as measured perpendicularly from the OHWM unless an alternative dimension is required to prevent impacts to critical habitat or navigation. In no circumstances shall the maximum waterward intrusion of any portion of the pier, dock, or float extend more than sixty (60) feet from the OHWM, or the point where the water depth is eight (8) feet below the OHWM, whichever is reached first.

12. New piers, docks, or floats on lakes shall have a maximum width of four (4) feet, or five (5) feet for shared docks.

13. Pier skirting is prohibited.

14. Repair of existing docks, piers, and floats shall be allowed. Repair of a dock, pier, or float in which more than fifty (50) percent of the decking is replaced or more than half...
the existing piles are replaced over a five-year period shall be considered new construction and shall conform to the performance standards of this SMP.

14. Existing docks, piers, or floats that are non-conforming to the current required dimensional standards may be replaced or reconstructed to the existing dimensions, provided they are consistent with all other performance standards of this section and the standards of the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife and shall include measures that increase light transmission through the deck, maximize the height of piers above the water surface, reduce the overall number or size of piles, enhance the shoreline vegetation, and minimize impacts on shallow-water habitat.

15. For commercial and industrial uses, docks, piers, and floats are only allowed for water dependent uses and shall be the minimum size necessary to accommodate the proposed use.

16. Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the probability of spill. Adequate provision shall be made to control accidental spills that do occur.

17. Docks, piers, or floats associated with marinas shall make adequate provisions for parking, fueling, sewage pump-out, and liquid and solid waste disposal.

18. All new or replaced docks, piers, floats, and similar devices shall be designed and located so as not to be a hazard to navigation and so marked as to prevent a hazard to navigation at any time during the day or night.

19. All floats and floating docks shall include stops to keep the floats off the tidelands at low tide.

20. For new waterfront subdivisions, planned residential developments, multi-family residences, and inns, established after the adoption of Chapter 17.03 ICC, only joint use docks and piers may be permitted.

21. Unsafe docks, piers, and floats shall be removed or repaired promptly by the owner, at the earliest possible convenience, not to exceed ninety (90) days.

22. Covered moorage associated with nonresidential docks, piers, and floats shall be prohibited.

23. Covered moorage associated with single-family residential development shall be prohibited.

24. New and replaced docks, piers and floats, with the exception of those in the Canal Communities of Lagoon Point, Sandy Hook and Mariners’ Cove, shall comply with the following design standards:
   a. Designed and constructed to avoid or, if that is not possible, to minimize shading and other impacts on nearshore habitats and processes;
   b. Pilings must be structurally sound prior to placement in the water;
   c. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures shall be required;
d. Docks, piers, and floats shall be spaced and oriented to shoreline in a manner that minimizes hazards and obstructions to navigation, fishing, swimming, and pleasure boating;

e. Overhead wiring or plumbing is not permitted on piers, docks, or floats;

f. Dock lighting shall be designed to shine downward but not on the surface of the water, be of low wattage, and shall not exceed a height of three (3) feet above the dock surface;

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

h. Where feasible, floats shall be secured with anchored cables in place of pilings; and

i. Piles, floats or other members in direct contact with water shall be approved by applicable federal and state agencies for use in water and shall not be treated or coated with biocides such as paint, creosote or pentachlorophenol. Use of arsenate compounds or creosote treated members is prohibited. Steel is preferred.

25. A local canal community dock master plan may be permitted as a shoreline conditional use for a duration of six (6) years for the communities of Lagoon Point, Sandy Hook and Mariners’ Cove. Once adopted, new and replaced docks, piers and floats in the Canal Communities that comply with the standards of the master plan and are adjacent to the canal would be allowed as permitted uses. An approved master plan would be required to contain, at a minimum, the following:

a. Dock, pier and float dimensional standards;

b. Standards for light penetrating materials (e.g., grating);

c. Standards for materials that touch the water, specifying that they must be approved by applicable federal and state agencies for use in water and not treated or coated with biocides such as paint, creosote or pentachlorophenol; and

d. Protections for existing shoreline ecological functions, views, and navigation.

26. Through the conditional use process, dimensional standards may be established as part of an approved canal community dock master plan that differ from those for docks, piers, and floats in other parts of the county as provided in section 17.05A.100.D.

27. Private docks, piers, and floats in the canal communities that face the open waters of the Puget Sound shall comply with the general requirements for docks, piers, and floats in section 17.05A.100.D.

28. Prior to adoption of a local canal community dock master plan, private docks and piers shall be permitted as conditional uses in the canal communities of Lagoon Point, Sandy Hook, and Mariners’ Cove, provided that:

a. New or replaced docks and piers use materials that touch the water that are approved by applicable state agencies for use in water and are not treated or coated with biocides such as paint, creosote or pentachlorophenol;
b. Repaired or replaced docks do not increase the total area of overwater coverage and do not extend beyond the average length of the two (2) closest adjacent docks; and

c. New docks do not exceed the average overwater area of the two (2) closest docks, and the length of the dock, pier, or float does not extend beyond the average length of the two (2) closest adjacent docks, piers, or floats.

29. Private recreational floats shall be placed offshore no farther than 200 feet beyond extreme low tide or the line of navigability, whichever is closest to shore.

a. Private recreational floats shall not provide boat moorage.

b. Private recreational floats shall not exceed 150 square feet.

c. Private recreational floats shall be located at least 10 feet from side property lines, unless they are designated as joint use structures serving two or more adjoining shoreline properties.

d. Only one private recreational float may be approved per shoreline parcel.

e. Private recreational float anchors shall not impact benthic habitat.

30. Boat Lifts and Canopies

a. Boat lifts and canopies shall be placed as far waterward as possible in water with a depth of six (6) feet or greater, and no less than 30 feet waterward of OHWM. No more than one (1) boat lift shall be located on any residential lot.

(i) Replacement boat lifts can be located in the same location, but where feasible should be relocated in water depth six feet or greater.

(ii) Feasibility limitations include bathymetry, existing overwater structures, or conflicts with adjacent properties

b. One canopy per residential lot that is associated with a legally established boat lift may be permitted through a local canal community dock master plan. Canopies established through a local canal community dock master plan must be made of light permeable fabric.

31. Boathouses

a. Within the Shoreline Residential Environment one (1) boathouse per residential lot may be permitted provided that all of the following are met.

(i) The boathouse is used to store watercraft and shall not be used as or converted to a dwelling unit; and

(ii) The boathouse has a maximum footprint of 300 square feet and a maximum height of 15 feet above average grade; and

(iii) The primary doorway/entryway faces the water; and

(iv) The structure is located entirely landward of the ordinary high water mark.

E. D. Boating facilities (marinas, boat launches, mooring buoys, and floatplanes).

1. Marinas and float plane bases.
a. Marinas are a permitted use in the aquatic designation where adjacent uplands are
designated high intensity and as conditional uses where adjacent uplands are
designated Rural Conservancy, Urban Conservancy and Shoreline Residential.
b. Marinas are prohibited adjacent to the Natural designation. Float plane bases are
prohibited in the aquatic zone adjacent to the natural and rural conservancy
designations.
c. Floatplane bases shall comply with all applicable use requirements relating to
marinas.

2. Public Boat Launches.

a. Public and community boat launches may be permitted when they are located,
designed, and constructed in a manner that avoids or minimizes adverse impacts on
coastal or fluvial processes, biological functions, aquatic and riparian habitats, water
quality, navigation, area aesthetics, or neighboring uses. When permitted, public and
community boat launches shall be:

(i) Located in areas where there is adequate water mixing and flushing action to
ensure that minor discharges from normal operation of marine engines does not
harm local shoreline ecology;
(ii) Designed so as not to retard or reduce natural shoreline flushing
characteristics or littoral drift;
(iii) Designed and constructed using methods/technology that have been
recognized and approved by state and federal resource agencies as the best
currently available;
(iv) Designed so that existing or potential public access along beaches is not
blocked or made unsafe, and so that public use of the surface waters is not
unduly impaired;
(v) Designed in accordance with generally accepted coastal engineering
principles and boating industry standards; and
(vi) Developed and maintained to support waterfront access for watercraft. In
those limited instances where separate or associated uses are permitted, other
than restrooms or septic facilities, only uses that are water-dependent or afford
public access uses shall be approved.
b. Public boat launches shall provide adequate restroom and sewage and solid
waste disposal facilities in compliance with applicable health regulations.
c. 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.
d. Public and community boat launches shall be located and designed to prevent
traffic hazards and minimize traffic impacts on nearby access streets.
e. Public boat launch sites shall include parking spaces for boat trailers
commensurate with projected demand and shall comply with the transportation
provisions of this Shoreline Master Program.
r. Marinas shall be subject to the design standards for docks, piers, and floats in section 17.05A.110.B and the non-residential design, landscape and screening guidelines of section 17.03.180.P.

s. When reviewing proposals for new or expanded marina facilities, the county shall require the proponent to prepare and implement 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:

(i) A maintenance plan for maintaining pump-out and waste/sewage disposal facilities and services.

(ii) A spill response plan for oil and other spilled products. Compliance with federal or state law may fulfill this requirement.

(iii) 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.

(iv) A visual assessment of views from surrounding residential properties, public viewpoints, and the view of the shoreline from the water surface.

(v) 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. The county shall evaluate impacts on these resources and impose specific conditions to mitigate impacts as necessary.

(vi) New or expanded marina facilities shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.

F. E. Commercial development.

6. Non-water-oriented commercial uses are prohibited in shoreline jurisdiction unless they meet the following criteria:

a. The site is physically separated from the shoreline by another property or public right-of-way; or

b. The use is part of a mixed-use project that includes an associated water-dependent use; or

c. Navigability is severely limited at the proposed site; or

d. The commercial use provides a significant public benefit in the form of public access or ecological restoration; or
e. The commercial use is a home occupation and is therefore accessory to the use of the property as residential.

16. Applications for commercial development shall include a detailed statement explaining the nature and intensity of water orientation of the proposed activity. Such statement shall include the following:
   a. Nature of the commercial activity;
   b. Need for shoreline frontage;
   c. Special considerations being planned to enhance the relationship of the activity to the shoreline and to mitigate adverse effects;
   d. Provisions for public visual or physical access to the shoreline.

17. Accessory developments and uses such as warehousing, outdoor storage, waste storage and treatment, stormwater runoff control facilities, and utilities that do not require a shoreline location must be located landward of OHWM.

G. E. Forest Practices

6. All allowed forest practices in shorelines shall comply with the following:
   a. Forest practices, including construction of logging roads, on slopes that exceed thirty-five (35) percent shall require a conditional use permit;
   b. Forest practices within Island County's shorelines shall maintain critical area buffers consistent with section 17.05A.090.D as well as chapters 17.02 and 17.02A;
   c. Disposal or removal of accumulations of slash and other debris shall be conducted in a safe manner and minimize impacts to the environment and to neighboring properties. Slash burning shall be conducted according to best management practices, including compliance with burn bans during high fire hazard conditions;
   d. For shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts or landscape panoramas, the Shoreline Administrator may restrict removal of trees to maintain the quality of scenic views;
   e. Seeding, mulching, matting, and replanting shall be required where necessary to ensure soil stability on areas that have been logged. Replanted vegetation shall be of native plants appropriate to site conditions; and
   f. All logging operations shall protect the adjacent and downstream shorelands against erosion, uncontrolled drainage, slides, pollution, excavations and fills and other factors detrimental to the environment.

7. A forest practice that only involves timber cutting is not a development under the Act and does not require a shoreline substantial development permit or a shoreline exemption.
A forest practice that includes activities other than timber cutting may be a development under the Act and may require a substantial development permit, as required by WAC 222-50-020.

### H. Industry.

...  

### I. Residential

1. All residential use and development should be properly managed to avoid damage to the shoreline environment and prevent cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, introduction of pollutants, and vegetation clearing.

2. Subdivision of property for residential development is subject to the density limits in the underlying zone described in chapter 17.03 and the following maximum density limits, whichever is more restrictive:
   
   a. **Aquatic.** Subdivision for residential purposes is prohibited, but tidelands may be subdivided for conservation purposes or public acquisition from adjacent uplands, with no limit on lot size;
   
   b. **Natural.** One (1) unit per five (5) acres;
   
   c. **Rural conservancy.** One (1) unit per five (5) acres;
   
   d. **Urban conservancy.** Four (4) units per acre;
   
   e. **Shoreline residential.** Four (4) units per acre;
   
   f. **High intensity.** Subdivision for residential purposes is prohibited.

3. Those lands waterward of the ordinary high water mark and within the boundaries of any waterfront parcel shall not be used to compute required lot area, and lot dimensions.

4. Lots which are partially located within shoreline jurisdiction may be subdivided at the shoreline jurisdiction boundary or landward thereof as long as the following criteria are met:

   a. the resulting lot which is outside of shoreline jurisdiction, meets the minimum lot size and density restrictions of chapter 17.03 ICC; and
   
   b. the resulting lot which is within shoreline jurisdiction, meets the minimum lot size for the specific environmental designation as outlined in this section, ICC 17.05A.090.I.

5. Residential development shall not be permitted seaward of the ordinary high water mark. Live-aboard vessels and houseboats licensed as vessels are restricted to approved marinas only. Floating homes are prohibited.

6. Public access to publicly owned shorelines shall be maintained. When properties are subdivided or developed with residential uses, survey markers and signage shall be placed indicating the location of any adjacent public right-of-way or easement providing access to the shoreline.

7. Subdivisions containing five (5) or more lots shall provide public access in accordance with section 17.05A.090.M.
6.8. Subdivisions and all individual residential structures, appurtenances, and accessory structures shall be designed to ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion either during or after the construction phase.

7.9. Subdivisions containing marshes, swamps, lagoons, portions of floodplains, or similar wetlands shall use those areas only for the purposes of parks, open space, or recreation facilities as permitted by chapters 17.02 and 17.02A.

8.10. Construction of residential structures, appurtenances, accessory structures and amenities shall not be detrimental to the geohydraulic processes occurring within the shoreline corridor.

9.11. Residential structures located waterward of the ordinary high water mark are not permitted. Residential structures located in on wetlands or their buffers shall adhere to the provisions of section 17.05A.090. C ICC areas or in areas subject to flooding or tidal inundation may be permitted only when the property qualifies for a shoreline variance, and only where complete flood proofing measures have been provided, and then only when the location of such structures will not aggravate flooding possibilities of nearby properties.

10.12. Residential structures shall only be located upon geologically hazardous areas (as defined in chapter 17.02A) if in compliance with the bluff setback standards and conditions contained in chapter 11.02 or set back fifty (50) feet from the top of a bank greater than 100 feet in height, whichever is more restrictive.

11.13. The following shoreline setbacks shall be applied to residential development:
   a. All residential development shall comply with the buffer requirements of section 17.05A.090 and the critical areas buffers established in chapters 17.02 and 17.02A.
   b. A greater setback may be required if necessary to comply with the grading, geologically hazardous area, erosion control and drainage requirements of chapter 11.02 and chapter 11.03 and the critical areas regulations contained in chapters 17.02 and 17.02A.

12.14. Normal appurtenances may be located within the shoreline setback so long as they do not obstruct the water view corridor of adjacent waterfront primary residences and are not located within the standard shoreline buffer.

13.15. New residential development shall be designed and built in a manner that avoids the need for structural shore armoring and flood hazard reduction over the life of the development in accordance with section 17.05A.090.L, flood control structures, and section 17.05A.110.A, shoreline stabilization, of this Shoreline Master Program and other applicable plans and laws.

14.16. Subdivision for residential development shall provide sufficient lot depth for development to occur without the need for shoreline stabilization for the life of the development.

15.17. Creation of new residential lots through land division shall be designed, configured and developed to ensure that no net loss of ecological functions and processes occurs from the plat or subdivision, even when all lots are fully built out.
16.18. Subdivision of land within the Natural designation shall be restricted to the creation of new parcels with a minimum lot size of five (5) acres and a minimum shoreline frontage of 330 feet within shoreline jurisdiction. The 330 feet lot width standard may be modified to accommodate aliquot sections.

17.19. Building buffers and setbacks from shorelines consistent with the requirements of this Shoreline Master Program and chapters 17.03 and 17.02 shall be established as conditions of preliminary plat approval in all new waterfront subdivisions. A plat restriction shall specify the required setbacks and all building buffers and setbacks shall be shown on the face of the plat.

18.20. Septic drainfields which are proposed for lots upon feeder bluffs or within 100 feet of any geologically hazardous areas should be designed and located so as to discharge leachate as far as practically possible away from the bluff face.

19.21. Additions to legally established residences shall not be located seaward from the applicable setback and shall conform to applicable shoreline regulations as well as other applicable county and state regulations. For purposes of this section "residence" shall mean the primary residential structure on the property and attached or detached guest cottages.

20.22. Natural vegetation between the OHWM and the top of banks and bluffs ten (10) feet or higher shall be retained, except for removal necessary for view enhancement consistent with section ICC 17.05A.090.K100.N.8 and 9 of this Shoreline Master Program, removal of hazardous, diseased or damaged trees when they pose a threat to a permitted structure consistent with ICC 17.05A.100.N.10 and to allow for pedestrian waterfront access. Removal of invasive non-native species is authorized.

21.23. In shorelines designated natural, a 150-foot buffer shall be required wherein only limited tree limbing of no greater than twenty (20) percent of the tree crown for view corridor purposes is allowed consistent with ICC 17.05A.100.N.8 and 9. The native vegetation buffer shall be designated on the site plan, approved by the Shoreline Administrator and recorded with the County Auditor.

22.24. Beach access structures for residential uses.

   a. Joint use beach access structures shall be preferred in areas of existing residential subdivisions located on unstable slopes, marine feeder bluffs or other geologically hazardous areas. Applications for facilities serving more than one parcel, under the same or different ownership shall include documentation of all parcel property owners that would share the facility. Prior to construction or installation, the owners shall record with the County Auditor a joint-use agreement that will appear on the titles of all parcels sharing the facility. The agreement should address apportionment of responsibilities/expenses, easements, liabilities, and use restrictions.

   b. Beach access structures located adjacent to fish and wildlife habitat conservation areas that include over water structures, landings that require fill or shore protection structures, shall only be allowed as a shoreline conditional use and shall require a complete BSA.

   c. Beach access structures located in the natural designation shall be permitted for public use purposes and allowed as a shoreline conditional use for private access.
d. Normal appurtenances and beach access structures shall conform to the following criteria:

   (i) They shall be located and designed in such a manner so as to not require shoreline stabilization over the life of the structure, including the installation of bulkheads solely for the purpose of protecting new appurtenances.

   (ii) They are designed and located to avoid unstable slopes, eroding bluffs and other geologically hazardous areas.

   (iii) They are designed and located in such a manner to minimize the loss of existing vegetation.

   (iv) Beach access structures which require any land disturbing activity within the shoreline setback area must comply with the requirements of the county’s land development standards.

   (v) They shall be designed in such a manner to minimize their impact on shoreline functions and so as to not interfere with normal littoral drift and movement of sediments to and along the shore and shall be located as far landward of the OHWM as practical.

   (vi) Beach access structure landings shall be limited in size to that necessary for minimum safe access to the beach and shall not constitute a deck.

25. Deck structures, uncovered, for residential uses.

   a. Decks are considered accessory structures which can allow for stormwater runoff to seep into the soil, however, they are structures which also impact the shoreline environment.

   b. Decks with at least 1/8" gap between boards, with pervious surface underneath, are considered pervious.

   c. Replacement Decks: A legally established existing deck that is located within the marine or steep slope buffer and/or shoreline/building setback may be replaced within the same footprint and elevation off grade; such replacement will not require buffer enhancement per ICC 17.05A.090.G.

   d. Expansions to Existing Decks:
      (i.) Within the shoreline setback (landward of the marine buffer), any proposed expansion to an existing deck shall not be located seaward of the existing deck.

      (ii.) Any expansion greater than 200 square feet shall require an enhancement area equal to the area of the expansion with native vegetation within the marine buffer per ICC17.05A.090.G.

   e. New decks:
      (i.) Within the marine buffer or steep slope buffer new decks are not allowed unless approved as part of a Shoreline Variance.
(ii.) Within the shoreline setback (landward of the marine buffer), new decks shall require the applicant to enhance an area of the marine buffer with native vegetation that is equal to the total square footage of the deck per ICC17.05A.090.G and H.

(iii.) Within the shoreline setback new decks less than thirty (30) inches in height may be allowed.

(iv.) Within the geologically hazardous area (within 100ft landward of the top of the slope) new or expanded decks shall comply with ICC 11.02.

(v.) Within the shoreline/building setback (landward of the steep slope buffer) new decks shall meet the requirements of ICC 11.02 and shall enhance an area of equal to the deck size.

(vi.) Within the shoreline/building setback (landward of the steep slope buffer) buffer enhancement for new decks shall be planted within the steep slope buffer, within the area 15-25ft landward from the top of the slope. Buffer enhancement shall comply with the requirements of ICC17.05A.090.G & H, (excepting ICC17.05A.090.H.1b) and may also be placed partly or wholly within the marine buffer if deemed appropriate and feasible.

(vii.) Careful installation and maintenance of any required vegetation within the steep slope buffer is recommended to avoid any erosion or destabilization of the bluff/slope.

23. 25. Public access for residential development shall be required as follows:

... J. K. Signs.

1. Recognized or officially delineated vistas or viewpoints shall not be blocked or obstructed by signs, unless required for public safety or to identify public access.

2. Signs identifying shoreline public access are allowed in shoreline jurisdiction and are exempt from obtaining a shoreline substantial development permit.

3. Off-premises outdoor advertising, signs, and billboards shall not be permitted in the shoreline jurisdiction.

4. On-premises advertising signs shall be constructed against, or painted on buildings to minimize visual or access obstruction to or of the shoreline.

5. On-premises signs shall not extend in height above the highest exterior wall of the building to which the sign relates. Signs shall not be erected upon the roofs of structures.

6. Artificial lighting for signs shall be directed or beamed downward where feasible and away from the water, public street, or adjacent premises so as not to cause glare or reflection that may constitute a traffic or boating hazard or nuisance.

7. In addition to the above requirements, the standards of 17.03.180.R shall apply.

...
17.05A.110 - Shoreline modification regulations.

A. Shoreline stabilization.

1. Regulations for all shoreline stabilization. Shoreline stabilization may be permitted only when the application demonstrates all of the following, based on a geotechnical analysis and biological site assessment:

a. The erosion creating the need for shoreline stabilization is not caused by upland conditions on the project site, such as the loss of vegetation or modification of drainage;

b. The proposed shoreline stabilization is designed to minimize interruption of fish and wildlife habitats through the use of the least impacting alternative type of shoreline stabilization practicable. In order of priority from least to greatest impact, subject to site-specific conditions, alternatives include but are not limited to:

   (i) Taking no action (allow the shoreline to retreat naturally);
   (ii) Upland drainage control;
   (iii) Vegetation protection, enhancement, and replacement;
   (iv) Relocation of improvements or structures;
   (v) Beach nourishment;
   (vi) Large woody material placement;
   (vii) Soft shore protection methods—at least eighty (80) percent of the project must be constructed of naturally-occurring materials used in ways that are consistent with current nearshore processes;
   (viii) Upland retaining walls;
   (ix) Bulkheads and rock revetments placed landward of the OHWM;
   (x) Individual rock placement located at the OHWM; and
   (xi) Bulkheads and rock revetments located at the OHWM.

c. The proposed shoreline stabilization will minimize interference with hydrological and geomorphological processes normally acting in natural conditions.

d. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited.

e. Adequate mitigation measures will be provided to maintain existing shoreline processes and critical fish and wildlife habitat, and ensure no net loss of ecological functions.

f. Shoreline stabilization will not be used for the direct or indirect purpose of creating land waterward of the OHWM. When replacement fill is required behind an existing shoreline stabilization structure, it shall not extend beyond the OHWM unless otherwise permitted in compliance with this Program.
g. On marine feeder bluffs, shoreline stabilization may be permitted only when it is demonstrated by a professional engineer or geologist that construction will not substantially disrupt the beach feeding action or littoral drift.

h. Shoreline stabilization is prohibited for the purposes of leveling or extending property or creating or preserving residential lawns, yards, or landscaping.

i. Construction of new shoreline stabilization to protect a platted lot where no primary use or structure presently exists shall be prohibited except as provided in section 17.05A.110.A.4.d.3.c.(vi). Replacement of existing structural shoreline stabilization to protect a lot where no primary use or structure presently exits will be evaluated using the same criteria as other replacement stabilization.

j. Public access, consistent with section 17.05A.090.M, is required, where feasible, as part of any shoreline stabilization construction or replacement project on public land or using public funds.

k. Applications for new shoreline stabilization shall give consideration to intertidal and shoreline habitat loss which may arise due to permanent structures limiting the ability of the ordinary high water mark and shoreline to migrate landward in response to sea level rise.

2. Summary Table of Shoreline Stabilization Requirements

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1. New shoreline stabilization shall be defined as the establishment of shoreline stabilization where legally existing stabilization is not present. Additionally, replacement of shoreline stabilization shall be regulated as new when:
   (a) replacement is not the common method of repair for the stabilization; or
   (b) the replacement stabilization is not comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance; or
   (c) the replacement causes substantial adverse effects to shoreline resources or environment.

2. As defined in ICC 17.05A.070.

3. As defined in ICC 17.05A.070.

4. Consistent with the requirements of ICC 17.05A.090.C.13.c.

5. Consistent with the requirements of ICC 17.05A.100.A.3.e.

6. The demonstration of need shall address the items in ICC 17.05A.110.A.3.
7. The alternatives analysis shall address the items in ICC 17.05A.110.A.1.b.

3. Demonstration of Need. When required, a demonstration of need shall address the following items:

   a. Whether the shoreline stabilization is necessary to support a project a material purpose of which includes enhancing or restoring ecological functions.

   b. Whether the shoreline stabilization is necessary to remediate hazardous substances pursuant to Chapter 70.105 RCW.

   c. Whether the shoreline stabilization is necessary to protect public transportation infrastructure, existing dikes, or essential public facilities and other options are infeasible.

   d. Whether the shoreline stabilization is necessary to protect a water-dependent use and other options are infeasible.

   e. Credible evidence, through preparation of a geotechnical analysis by a qualified professional that the primary structure or appurtenance is in danger of damage from shoreline erosion caused by tidal action, currents, or waves. The evidence shall:

      (i) Demonstrate that the erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope;

      (ii) Demonstrate a significant possibility that the primary structure or appurtenance will be damaged within three (3) years based on a trend analysis of prior rates of erosion 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 adverse impacts on ecological functions;

      (iii) Demonstrate that the shoreline stabilization would not adversely affect the property of others by changing rates of sediment, redirection of wave energy, or impoundment of or redirection of floodwater or tidal action; stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited; and

      (iv) Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability.

      (v) Where a geotechnical assessment or coastal engineering analysis 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.

   f. The proposal is the minimum necessary to protect the primary structure or appurtenance consistent with the requirements of section 17.05A.110.A.1.b.

   g. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

34. New or expanded structural shoreline stabilization.
a. New structural shoreline stabilization shall be prohibited in or adjacent to lakes, except that softshore stabilization may be permitted for those properties abutting Deer Lake in cases where a demonstration of need, consistent with the provisions of section 17.05A.110.A.3 ICC, can be provided.

b. Structural shoreline stabilization shall not be permitted on spits, hooks, bars, barrier beaches, or similar accretion terminals or accretion shoreforms; except when demonstrated that construction of the above shore defense devices are absolutely necessary for the protection of existing primary structures and appurtenances and mitigation consistent with section 17.05A.090.C.7 has been accomplished.

c. New shoreline stabilization may be permitted and existing structural shoreline stabilization may be expanded only when at least one (1) of the following apply:

(i) Where necessary to support a project whose primary purpose is enhancing or restoring ecological functions;

(ii) Where necessary to remediate hazardous substances pursuant to Chapter 70.105 RCW;

(iii) Where necessary to protect public transportation infrastructure, existing dikes, or essential public facilities and other options are infeasible;

(iv) Where necessary to protect a water-dependent use and other options are infeasible;

(v) Where there is conclusive evidence documented by a geotechnical or coastal engineering analysis that erosion from waves or currents is expected to cause damage to a primary structure or appurtenance within three (3) years based on a trend analysis of prior rates of erosion if the shoreline stabilization is not constructed, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts to ecological functions; or

(vi) On a lot within a designated canal community where the adjacent lots on both sides have a legally established bulkhead, structural shoreline stabilization may be permitted, provided:

(1)(i) The horizontal distance between existing bulkheads does not exceed 120 feet;

(2)(ii) The proposed stabilization structure would be located landward of the OHWM;

(3)(iii) The proposed shoreline stabilization would link with the adjacent bulkheads; and

(4)(iv) The proposed shoreline stabilization would not adversely affect known forage fish habitat.

d. In addition to meeting the provisions of section 17.05A.110.A.1, proposals for new or expanded structural shoreline stabilization allowed under this section 17.05A.110.A.3.e shall demonstrate all of the following before a permit can be issued:
A geotechnical analysis is required by qualified professionals to document the impacts of shoreline modification proposals. The analysis must demonstrate that erosion from waves or currents is expected to cause damage to a primary structure or appurtenance within three (3) years based on a trend analysis of prior rates of erosion if the shoreline stabilization is not constructed;

The need for the structural shoreline stabilization has been demonstrated in accordance with the criteria in ICC 17.05A.110.A.3 above,

The structural shoreline stabilization complies with the flood damage prevention regulations in chapter 14.02A;

The county shall require sufficient analysis by qualified professionals with the expertise to document the impacts of shoreline modification proposals. Such analysis may include, but not be limited to, geotechnical, hydrological, and biological studies, and should include an analysis of drift cells and stormwater drainage; and

Adverse impacts are fully mitigated according to the prescribed mitigation sequence in section 17.05A.090.C.7 such that there is no net loss of shoreline ecological functions or processes.

Replacement of existing shoreline stabilization shall be regulated as new stabilization

Upland retaining walls within shoreline jurisdiction are a type of shoreline stabilization installed at least 10-feet landward of the OHWM, and are only permitted to protect an existing or proposed primary use. Upland retaining walls require an alternatives analysis, geocoastal analysis and biological site assessment when proposed within the shoreline marine buffer. Types of upland retaining walls include but are not limited to geometric grid systems, placement of large woody debris, rip-rap, terracing, and interlocking stone walls. Soft-shore designs are preferred over hard-shore designs.

Existing structural shoreline stabilization.

Existing structural shoreline stabilization, other than structures located in canal communities (the requirements for which are detailed in section 17.05A.110.A.5.d below), may be replaced in kind or with soft shore stabilization consistent with section 17.05A.110.A(1)(b) if the replacement is to protect public transportation infrastructure, essential public facilities, or principal uses or structures (including wastewater disposal systems) from erosion caused by currents, tidal action, or waves and the structure complies with all of the following:

The replacement is designed, located, sized, and constructed to ensure no additional net loss of ecological functions;

The replacement performs the same stabilization function as the existing structure and does not require additions to or increases in size; and

The replacement does not encroach waterward of the ordinary high water mark or 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, and construction shall extend no further waterward of the existing bulkhead than is necessary for construction of new footings.

b. Older structures shall be removed as new structures are put in place. Exceptions may be made by the Shoreline Administrator only in cases where removal would cause more ecological disturbance than leaving the remnant structure in place.

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

d. In a canal community, existing bulkheads (for lots along the canals only) may be replaced with shoreline stabilization provided they meet the following:

(i) The replacement structure is designed, located, sized, and constructed to ensure no net loss of ecological functions;

(ii) The replacement structure performs the same stabilization function as the existing structure and does not require additions to or increases in size;

(iii) The replacement structure is aligned horizontally with the predominant line formed by other bulkheads on the same shoreline; and

(iv) The replacement structure is aligned vertically with the predominant height of other bulkheads on the same shoreline.

e. For each canal community, the Shoreline Administrator may approve a standard permit specifying allowable materials, structure height, backfill, and any required mitigation measures.

f. Except as outlined in items g and h below, replacement of existing structural shoreline stabilization shall be regulated as new stabilization, in any of the following scenarios.

(i) Replacement is not the common method of repair for the type of structure or development; or

(ii) the replacement structure or development is not comparable to the original structure or development including but not limited to its size, shape, configuration, location (other than where relocation of the structure is required due to the movement/reestablishment of the ordinary high water mark), and external appearance; or

(iii) the replacement causes substantial adverse effects to shoreline resources or environment.

g. The director may waive the requirement for a demonstration of the need for stabilization, when structural shoreline stabilization is proposed to be replaced with soft shoreline stabilization and the replacement would result in enhancement of shoreline ecological functions or processes.

h. Shoreline stabilization shall be considered existing, when one of the following types of documentation is provided. In the absence of at least one of the below listed documents, then the shoreline stabilization will be reviewed as a new structure.
(i) An approved shoreline and/or building permit documenting the past repair/replacement of structural stabilization; or

(ii) Dated aerial and/or oblique aerial photos showing the presence of shoreline stabilization on the subject property, prior to the Shoreline Management Act.

3. New or expanded shoreline stabilization.

   a. Shoreline stabilization shall be prohibited in or adjacent to lakes.

   b. Shoreline stabilization shall not be permitted on spits, hooks, bars, barrier beaches, or similar accretion terminals or accretion shoreforms, except when demonstrated that construction of the above shore defense devices are absolutely necessary for the protection of existing primary structures and appurtenances and mitigation consistent with section 17.05A.090.C.7 has been accomplished.

   c. New shoreline stabilization may be permitted and existing structural shoreline stabilization may be expanded only when at least one (1) of the following apply:

      (i) Where necessary to support a project whose primary purpose is enhancing or restoring ecological functions;

      (ii) Where necessary to remediate hazardous substances pursuant to Chapter 70.105 RCW;

      (iii) Where necessary to protect public transportation infrastructure, existing dikes, or essential public facilities and other options are infeasible;

      (iv) Where necessary to protect a water-dependent use and other options are infeasible;

      (v) Where there is conclusive evidence documented by a geotechnical or coastal engineering analysis that erosion from waves or currents is expected to cause damage to a primary structure or appurtenance within three (3) years based on a trend analysis of prior rates of erosion if the shoreline stabilization is not constructed, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts to ecological functions; or

      (vi) On a lot within a designated canal community where the adjacent lots on both sides have a legally established bulkhead, structural shoreline stabilization may be permitted, provided:

         (1) The horizontal distance between existing bulkheads does not exceed 120 feet;

         (2) The proposed stabilization structure would be located landward of the OHWM;

         (3) The proposed shoreline stabilization would link with the adjacent bulkheads; and

         (4) The proposed shoreline stabilization would not adversely affect known forage fish habitat.
d. In addition to meeting the provisions of section 17.05A.110.A.1, proposals for new or expanded shoreline stabilization allowed under section 17.05A.110.A.3.e shall demonstrate all of the following before a permit can be issued:

(i) A geotechnical analysis is required by qualified professionals to document the impacts of shoreline modification proposals. The analysis must demonstrate that erosion from waves or currents is expected to cause damage to a primary structure or appurtenance within three (3) years based on a trend analysis of prior rates of erosion if the shoreline stabilization is not constructed;

(ii) The proposal is the minimum necessary to protect the primary structure or appurtenance consistent with the requirements of section 17.05A.110.A.1.b;

(iii) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;

(iv) The shoreline stabilization complies with the flood damage prevention regulations in chapter 14.02A;

(v) The county shall require sufficient analysis by qualified professionals with the expertise to document the impacts of shoreline modification proposals. Such analysis may include, but not be limited to, geotechnical, hydrological, and biological studies, and should include an analysis of drift cells and stormwater drainage; and

(vi) Adverse impacts are fully mitigated according to the prescribed mitigation sequence in section 17.05A.090.C.7 such that there is no net loss of shoreline ecological functions or processes.

e. The Shoreline Administrator shall require applicants for new or expanded shoreline stabilization to provide credible evidence, through preparation of a geotechnical analysis by a qualified professional that the primary structure or appurtenance is in danger of damage from shoreline erosion caused by tidal action, currents, or waves. The evidence shall:

(i) Demonstrate that the erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope;

(ii) Demonstrate a significant possibility that the primary structure or appurtenance will be damaged within three (3) years based on a trend analysis of prior rates of erosion 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;

(iii) Demonstrate that the shoreline stabilization would not adversely affect the property of others by changing rates of sediment, redirection of wave energy, or impoundment of or redirection of floodwater or tidal action; stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited; and

(iv) Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability.
f. Replacement of existing shoreline stabilization shall be regulated as new stabilization.

g. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure or appurtenance 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. In order for structural shoreline stabilization to be authorized, the geotechnical report must conclude that there is a significant possibility that such a structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or that waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. All geotechnical reports shall also identify any potential impacts to downstream or downdrift structures.

6. Non-structural or “Soft” Shoreline Stabilization. In addition to the general design requirements of ICC 17.05.A.110.A.8, the following design standards must be incorporated into the design of soft shoreline stabilization measures:

a. The project must be designed to prevent increased erosion of adjacent properties. Soft shoreline stabilization projects may not include hard structural shoreline stabilization elements, with the exception of the minimum hard structural stabilization elements necessary to connect to hard structural stabilization on adjacent properties.

b. The soft shoreline stabilization design must provide stability and dissipate wave and current energy without presenting extended linear faces to oncoming waves or currents.

c. At least eighty (80) percent of the project must be constructed of naturally-occurring materials used in ways that are consistent with current nearshore processes.

d. The sizing and placement of all materials must be selected to:

(i). Protect upland structures from erosion over the long term;

(ii). Ensure they will remain stable during a two-year or 50% chance flood event and under typical currents, boat wakes, and wind-driven waves including those occurring during storm events if the proposal is near a stream or drainage outlet;

(iii). Allow safe passage and migration of fish and wildlife;

(iv). Minimize the creation of juvenile salmon predator habitat, such as shallow pools and large rocks or over-water snags that can serve as perches; and

(v). Use sand and gravel that are suitable as spawning substrate when a proposal is on a shoreline reach with forage fish spawning habitat.

e. Soft shoreline stabilization measures may include fill placed waterward of the OHWM to provide enhancement of shoreline ecological functions to improve the substrate condition or gradient.

f. Applicants are encouraged to use the Washington Department of Ecology’s March 2014 Shoreline Master Program Planning and Implementation Guidance: Soft
Shoreline Stabilization as well as the Washington State Department of Fish and Wildlife's March 2014 Marine Shoreline Design Guidelines and any revisions thereto to plan and design soft shoreline stabilization measures.

g. A geocoastal analysis is not required for the replacement of soft, non-structural shoreline stabilization measures with other soft measures.

7. Applications for shoreline stabilization.

a. Permit applications for shoreline stabilization shall provide competent technical evidence that the proposed shore defense structure will perform as designed.

b. Applications for shoreline stabilization shall cover the following items:

(i) Purpose of shoreline stabilization;
(ii) Type of construction;
(iii) Method of construction;
(iv) Elevation of the toe and crest of the bulkhead with respect to water levels;
(v) Direction of net longshore drift (when appropriate);
(vi) Normal, low and high water elevations (when appropriate); and
(vii) Technical evidence indicating the need for the shoreline stabilization consistent with the requirements of this chapter.

c. Applications for jetties shall also provide the following:

(i) Mitigation proposed for any impacts on longshore drift, such as beach feeding procedures; and
(ii) Provisions for pedestrian access on the top of the jetty, unless safety factors make pedestrian access infeasible, in which case a description of the safety constraints shall be provided; and
(iii) An alternatives analysis and demonstration of need consistent with sections 17.05A.110.A.1 and 2 ICC through the submittal of a complete BSA and geocoastal analysis.

d. Applications for groins shall also provide the following:

(i) Source and destination of material proposed to be trapped by the groin(s); and
(ii) Mitigation proposed for any impacts on longshore drift, such as beach feeding procedures; and
(iii) An alternatives analysis and demonstration of need consistent with sections 17.05A.110.A.1 and 2 ICC through the submittal of a complete BSA and geocoastal analysis.

e. In order for a proposed bulkhead to qualify for the RCW 90.58.030(3)(e)(ii) exemption for bulkheads associated with a legally established single-family residence and to ensure that such bulkheads will be consistent with the SMP as required by RCW 90.58.140(1), the Administrator shall review the proposed design as it relates to local physical conditions and the Island County SMP and must find that:
(i) Erosion from waves or currents is expected to cause damage to a legally established primary structure located less than 100 feet from the OHWM within three (3) years based on a trend analysis of prior rates of erosion if the shoreline stabilization is not constructed;

(ii) The proposed bulkhead is either located landward of the OHWM or if more than fifty (50) percent of the functional value of an existing bulkhead is in disrepair and the OHWM has moved (e.g., due to bank erosion), repairs must be relocated to the present OHWM; and

(iii) The maximum height of the proposed bulkhead is no more than one (1) foot above the elevation of extreme high water on tidal waters as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration except in areas subject to coastal flooding as defined by FEMA and chapter 14.02A where the maximum height of bulkheads shall be no greater than necessary to resist tide, wave and floodwater action during a 100-year storm event.

5.8 Design regulations.

a. Shoreline stabilization shall conform to applicable design requirements of the Washington Department of Fish and Wildlife and U.S. Army Corps of Engineers.

b. A professional geocoastaltechnical analysis shall be required for all new or expanded shoreline stabilization structures.

c. Professional geologic geocoastal site studies or professionally engineered designs may be required for any proposed shoreline stabilization if the county determines sufficient uncertainties or potential for damage to other shoreline properties and features exist.

d. If a bulkhead is employed as shoreline stabilization in compliance with the policies and regulations of this SMP, the following design criteria shall be met:

   The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the shoreline hydraulic system;

   (ii) Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling;

   (iii) The toe reinforcement or protection must be adequate to prevent a collapse of the shoreline stabilization system from wave action, overtopping, scouring, and upland erosion;

   (iv) The material used in construction shall be non-toxic to marine organisms;

   (v) When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill, to be considered a normal protective bulkhead common to single family residences; and

   (vi) Bulkheads shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil and other materials; and
(vii) Bulkheads shall be constructed parallel to the ordinary high water mark. Wing-walls and return-walls, which do not extend waterward of the ordinary high water mark, and which can be justified under the other requirements of this section, ICC 17.05A.110.A, may be permitted.

e. Shoreline stabilization structures that dissipate wave energy are preferred over vertical walls or concrete slabs. Where concrete slabs with vertical waterward faces are employed, adequate tiebacks and toe protection shall be provided. Design and material of shoreline stabilization structures shall be decided and based upon an analysis of alternatives; the preferred alternative will be that which balances a minimum impact to the environment and shoreline process with a structural solution that will ensure the long term viability of the shoreline stabilization structure.

f. Riprap shall be constructed and maintained in a manner that does not have a negative long-term impact on water quality and fisheries habitat.

g. Riprap material shall consist of clean, angular quarried rock and shall be of sufficient size and weight to prevent movement by wave or current action. The use of tires, automobile bodies, scrap metal, paper products and other solid waste materials is prohibited.

h. Use of downed logs, snags or rock-work to enhance habitat and to provide a more natural appearance to the shoreline should be incorporated into the design where appropriate.

i. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of the face of the bulkhead.

j. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.

k. When a new or replaced hard structural shoreline stabilization measure is proposed on a site where legally established hard structural shoreline measures do not exist on adjacent properties, the proposed stabilization measure must tie in flush with the contours of the adjoining properties, as feasible, so that the proposed stabilization measure will not cause erosion of the adjoining properties.

l. When a new or replaced hard structural shoreline stabilization measure is proposed on a site where legally established hard structural shoreline stabilization measures exist on adjacent properties, the proposed stabilization measure must tie in flush with those stabilization measures as physically feasible. The new stabilization measure shall not extend waterward of the OHWM, except in those locations where the structure connects to the adjoining stabilization measure. The length of the hard structural shoreline stabilization transition area to adjacent properties shall be the shortest distance possible.

B. 6. Shoreline restoration or beach enhancement.

1. a. Restoration projects on marine and freshwater shoreline shall be allowed provided it is carried out in accordance with an approved project restoration plan and in accordance with the policies and regulations of this Program.

2. b. Restoration projects shall be designed such that there are no adverse impacts on ecological resources or functions.
3. e. Ecological restoration and enhancement shall be approached on a watershed basis and shall seek to promote an ecosystem or landscape approach, including integrating projects into their surrounding environments.

4. d. To the greatest extent feasible, ecological restoration and enhancement projects shall be protected in perpetuity. If future development proposes to impact existing ecological restoration and enhancement sites, it must be demonstrated that there are no practicable alternatives to avoid adverse impacts, and further, that adequate mitigation is provided to address unavoidable losses.

5. e. Ecological restoration and enhancement actions shall demonstrate that they are based on sound scientific principles and are compatible with the functions of nearby restoration and enhancement sites.

6. f. Beach enhancement in all designations shall be undertaken only for restoration, enhancement or maintenance of natural resources, or as a means to replace an existing shoreline stabilization structure.

7. g. Beach enhancement may be permitted when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitats as demonstrated through a geocoastal analysis.

8. h. Natural beach restoration/enhancement design alternatives shall include the best available technology such as, but not limited to: gravel berms, drift sills, beach nourishment, natural revegetation and maintained plantings, deposition of drift logs and/or large woody organic debris to stabilize the backshore or protect the toe of eroding bluffs.

9. i. Natural beach restoration/enhancement shall not:
   a. (i) Detrimentally interrupt littoral drift, or redirect waves, current, or sediments to other shorelines;
   b. (ii) Result in any exposed groin-like structures; provided that small “drift sill” groins may be used as a means of stabilizing restored sediment where part of a well planned community beach restoration program;
   c. (iii) Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
   d. (iv) Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments;
   e. (v) Create additional dry land mass except where the additional land mass will restore degraded ecological functions; and
   f. (vi) Cause irreversible long-term loss of near-shore habitat.

10. j. The size and mix of new materials to be added to a beach as part of an approved beach restoration program shall be as similar as possible to the natural beach sediment, but large enough to resist normal current, wake or wave action at the site.

11. k. Beach enhancement shall be designed to minimize adverse impacts on spawning, nesting, or breeding habitat and so that littoral drift of the materials enhancement shall not adversely affect adjacent spawning grounds or other areas of biological significance.
as demonstrated through a biological site assessment provided by a qualified professional.

12. The County may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

<table>
<thead>
<tr>
<th>Type of Restoration</th>
<th>Permits</th>
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<tr>
<td>Restoration plantings that do not meet the definition of shoreline development per ICC 17.05A.070.</td>
<td>Letter of Compliance issued by Island County Planning &amp; Community Development</td>
<td>Restoration plan prepared by an environmental consultant, or based on standard restoration plan adopted by Island County Planning &amp; Community Development</td>
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<tr>
<td>Restoration or enhancement that meets the definition of shoreline development per ICC 17.05A.070.</td>
<td>Substantial Development Permit (SDP) or Shoreline Exemption (SHE) permit. Exempt status is outlined in WAC 173-27-040(o) and (p). Island County may not require permits or charge fees for fish habitat enhancement projects that meet the requirements of WAC 173-27-040(p)(iii)(A)&amp;(D).</td>
<td>Restoration plan and geocoastal analysis prepared by a qualified professional</td>
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B. Moorage facilities (docks, piers, and floats).

1. New docks, piers, and floats shall be limited to the minimum size necessary for water-dependent uses, public access, or ecological restoration.

2. New docks, piers, and floats shall be located and designed in a manner so as not to interfere with geohydraulic shoreline processes.

3. The location and design of new or replaced docks, piers, and floats, as well as the subsequent use, shall minimize adverse effects to fish, shellfish, wildlife, and water quality and shall not result in a loss of shoreline ecological function. Unavoidable impacts shall be mitigated consistent with the mitigation sequence of section 17.05A.090.C.7.

4. New or replaced docks, piers, and floats shall be located, designed, and operated so as not to interfere with rights of adjacent property owners, navigation, or adjacent water uses.

5. All docks, piers, and floats shall be constructed consistent with state and federal requirements.

6. New or replaced docks, piers, and floats associated with single-family residences shall not be approved unless the following information has been provided:

   a. Demonstrate that existing shared, public or community facilities are not adequate or available for use; and
b. Indicate that a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible.

7. Each dock, pier, or float proposal shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential and cumulative impacts on littoral drift, sand movement, water circulation and quality, fish and wildlife, navigation, scenic views, and public access to the shoreline and the best available background information on tidal currents, wave height, and prevailing storm wind conditions.

8. New docks, piers, and floats associated with residential uses on marine waters shall be the minimum size required to provide for moorage. Single family piers or docks shall not exceed ninety (90) feet in length measured perpendicularly from the OHWM. Shared moorage may extend up to 110 feet in length if demonstrated to be necessary to provide adequate moorage.

9. New piers, docks, and floats on marine waters shall have a maximum width of four (4) feet and a maximum walkway width of four (4) feet. Overwater surfaces shall be constructed of unobstructed grating to provide at least fifty (50) percent open surface area.

10. For new docks, piers, and floats associated with residential uses on lakes, the maximum waterward intrusion of any portion of any pier or dock shall not extend further waterward than the average intrusion of the piers, docks, and floats on lots abutting the location of the new dock as measured perpendicularly from the OHWM unless an alternative dimension is required to prevent impacts to critical habitat or navigation. In no circumstances shall the maximum waterward intrusion of any portion of the pier, dock, or float extend more than sixty (60) feet from the OHWM, or the point where the water depth is eight (8) feet below the OHWM, whichever is reached first.

11. New piers, docks, or floats on lakes shall have a maximum width of four (4) feet, or five (5) feet for shared docks.

12. Pier skirting is prohibited.

13. Repair of existing docks, piers, and floats shall be allowed. Repair of a dock, pier, or float in which more than fifty (50) percent of the decking is replaced or more than half the existing piles are replaced over a five-year period shall be considered new construction and shall conform to the performance standards of this SMP.

14. Existing docks, piers, or floats that are non-conforming to the current required dimensional standards may be replaced or reconstructed to the existing dimensions, provided they are consistent with all other performance standards of this section and the standards of the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife and shall include measures that increase light transmission through the deck, maximize the height of piers above the water surface, reduce the overall number or size of piles, enhance the shoreline vegetation, and minimize impacts on shallow-water habitat.

15. For commercial and industrial uses, docks, piers, and floats are only allowed for water dependent uses and shall be the minimum size necessary to accommodate the proposed use.
16. Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the probability of spill. Adequate provision shall be made to control accidental spills that do occur.

17. Docks, piers, or floats associated with marinas shall make adequate provisions for parking, fueling, sewage pump-out, and liquid and solid waste disposal.

18. All new or replaced docks, piers, floats, and similar devices shall be designed and located so as not to be a hazard to navigation and so marked as to prevent a hazard to navigation at any time during the day or night.

19. All floats and floating docks shall include stops to keep the floats off the tidelands at low tide.

20. For new waterfront subdivisions, planned residential developments, multi-family residences, and inns, only joint use docks and piers may be permitted.

21. Unsafe docks, piers, and floats shall be removed or repaired promptly by the owner.

22. New and replaced docks, piers, and floats, with the exception of those in the Canal Communities of Lagoon Point, Sandy Hook, and Mariners' Cove, shall comply with the following design standards:
   a. Designed and constructed to avoid or, if that is not possible, to minimize shading and other impacts on nearshore habitats and processes;
   b. Pilings must be structurally sound prior to placement in the water;
   c. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures shall be required;
   d. Docks, piers, and floats shall be spaced and oriented to shoreline in a manner that minimizes hazards and obstructions to navigation, fishing, swimming, and pleasure boating;
   e. Overhead wiring or plumbing is not permitted on piers, docks, or floats;
   f. Dock lighting shall be designed to shine downward but not on the surface of the water, be of low wattage, and shall not exceed a height of three (3) feet above the dock surface;
   g. All construction-related debris shall be disposed of properly and legally. Any debris that enters the water shall be removed promptly;
   h. Where feasible, floats shall be secured with anchored cables in place of pilings; and
   i. Piles, floats, or other members in direct contact with water shall be approved by applicable federal and state agencies for use in water and shall not be treated or coated with biocides such as paint, or pentachlorophenol. Use of arsenate compounds or creosote treated members is prohibited. Steel is preferred.

23. A local canal community dock master plan may be permitted as a shoreline conditional use for a duration of six (6) years for the communities of Lagoon Point, Sandy Hook, and Mariners' Cove. Once adopted, new and replaced docks, piers, and floats in the Canal Communities that comply with the standards of the master plan and are adjacent
to the canal would be allowed as permitted uses. An approved master plan would be
required to contain, at a minimum, the following:

a. Dock, pier and float dimensional standards;
b. Standards for light penetrating materials (e.g., grating);
c. Standards for materials that touch the water, specifying that they must be approved
   by applicable federal and state agencies for use in water and not treated or
   coated with biocides such as paint, creosote or pentachlorophenol; and

d. Protections for existing shoreline ecological functions, views, and navigation.

24. Through the conditional use process, dimensional standards may be established as part
   of an approved canal community dock master plan that differ from those for docks,
   piers, and floats in other parts of the county as provided in section 17.05A.100.D.

25. Private docks, piers, and floats in the canal communities that face the open waters of
    the Puget Sound shall comply with the general requirements for docks, piers, and floats
    in section 17.05A.100.D.

26. Prior to adoption of a local canal community dock master plan, private docks and piers
    shall be permitted as conditional uses in the canal communities of Lagoon Point, Sandy
    Hook, and Mariners’ Cove, provided that:

a. New or replaced docks and piers use materials that touch the water that are
   approved by applicable state agencies for use in water and are not treated or
   coated with biocides such as paint, creosote or pentachlorophenol;

b. Repaired or replaced docks do not increase the total area of overwater coverage
   and do not extend beyond the average length of the two (2) closest adjacent
   docks; and

c. New docks do not exceed the average overwater area of the two (2) closest docks,
   and the length of the dock, pier, or float does not extend beyond the average
   length of the two (2) closest adjacent docks, piers, or floats.

CK. Shoreline vegetation conservation maintenance.

1. Unless otherwise specified, all shoreline use and development, including preferred uses
   and uses exempt from permit requirements, shall comply with the buffer provisions of
   ICC 17.05A.090.H this Program to protect and maintain shoreline vegetation and
   habitat. This section below applies to the removal of vegetation unrelated to normal
   permitted construction.

2. Removal of native vegetation shall be avoided, where feasible. Where removal of native
   vegetation cannot be avoided, it shall be minimized to protect ecological functions.

   a. If native vegetation is to be removed, then replanting shall be required consistent
      with the shoreline buffer enhancement standards of ICC 17.05A.090.H, except
      that planting shall be within the shoreline jurisdiction and in a location where
      most appropriate based on ecological and site characteristics.

3. Removal of non-native vegetation within shoreline jurisdiction may be allowed pursuant
   to the following standards.
a. If non-native shrubs and herbaceous vegetation is to be removed, then it shall be replaced with an equal square footage of native vegetation at appropriate natural densities within the shoreline jurisdiction where most appropriate based on ecological and site characteristics.

b. If non-native trees are to be removed, then they shall be replaced with native trees at a ratio of 1:1.

c. When the removal of non-native vegetation in accordance items a and b above occurs outside of the shoreline buffer, monitoring shall not be required for the replacement native vegetation.

34. Native plant materials that are equivalent to those which would typically occur with respect to size, structure, and diversity at maturation shall be used in mitigation, restoration, rehabilitation, or enhancement projects.

45. Natural features such as snags, stumps, logs, drift logs, or uprooted trees shall be left undisturbed to support fish and other aquatic systems, except where they would adversely affect navigation or represent a human health or safety risk.

56. Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section to ensure shoreline functions, values, and processes are maintained and preserved. A shoreline permit or written statement of exemption shall not mandate, nor guarantee, unobstructed horizontal or lateral visibility of the water, shoreline, or any specific feature near or far.

67. Topping trees is prohibited, except as allowed for hazard trees as described below in item 10 of this section.

78. Selective pruning or thinning of trees for safety or view protection or maintenance may be allowed when the following applies:

   a. Removal of no more than twenty-five (25) percent of the canopy of any single tree or group of trees (calculated based on the area of the crown, or upper portion(s) comprised of branches and leaves or as determined by a certified arborist) in any given five-year period; or

   b. Pruning of trees that does not affect ecological functions. No more than twenty (20) percent of the limbs on any single tree may be removed and no more than twenty (20) percent of the canopy cover in any single stand of trees may be removed in a given five-year period. This provision does not include tree removal unless such tree has been determined to be a hazard tree in accordance with section 10 below.

   c. Pruning shall comply with the National Arborist Association pruning standards.

   d. If the tree has been determined to be a unless the tree is a hazard tree as determined by a certified by an arborist then the standards of section 10 below apply and approved by the Shoreline Administrator.

89. The Shoreline Administrator may deny a request or condition approval of vegetation management or removal proposals for view maintenance if it is determined the action will result in an adverse effect to any of the following:

   a. Slope stability;
b. Habitat value;
c. Health of surrounding vegetation;
d. Risk of wind damage to surrounding vegetation;
e. Nearby surface or ground water; or
f. Water quality of a nearby water body.

10. Removal of a hazard tree or trees may be allowed pursuant to the following conditions:
   a. a hazard tree risk assessment is provided by a certified arborist demonstrating that
      the tree is a hazard tree, that it poses a threat to an existing permitted structure,
      or utilities;
   b. in determining appropriate measures for addressing a hazard tree, the action shall
      be limited to the minimum necessary to alleviate the hazard as recommended by
      the certified arborist;
   b. in all cases, the stump of the tree shall be left in place, consisting of the root-ball
      and a minimum of two feet of the above-ground trunk, unless otherwise
      recommended by the certified arborist;
   c. the portions of the tree removed must be retained on site for the purposes of
      providing additional wildlife or marine habitat, unless otherwise recommended by
      the certified arborist;
   d. disturbance of other native shoreline vegetation should be minimized during
      removal of the hazard tree;
   e. when the hazard tree is located within a geologically hazardous area, the submittal
      of a geotechnical analysis will be required; and
   f. when a hazard tree within shoreline jurisdiction is removed rather than pruned,
      replanting shall be required at a ratio of 1:1.

911. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or
plants listed on the Island County or Washington state noxious weed list is permitted in
shoreline locations if provision is made for re-establishment of native vegetation in the
disturbed area consistent with 17.05.090.H. Ground based motorized equipment may
be used if accompanied by a plan for the re-establishment of native vegetation, and
with prior written approval of the Shoreline Administrator.

4012. Aquatic weed control may be allowed for passive recreation purposes including
swimming and boating access from a dock or the shoreline, pursuant to the
Washington Department of Fish and Wildlife 2015 Aquatic Plants and Fish pamphlet
and successor pamphlets shall occur in compliance with all other applicable laws and
standards. Use of chemical methods of weed control shall only be allowed when done
by a qualified professional, in compliance with the rules of the Department of Ecology,
Department of Agriculture and Department of Natural Resources, pursuant to chapters
173-201A, 16-228, and 222 WAC.

13. Vegetation maintenance within or near steep and/or unstable slopes, may require a
geotechnical analysis. The recommendations of such analysis shall be given priority
over the recommendations of a certified arborist.
CD. Grading and filling. Grading and filling must be consistent with chapter 11.01 (land development standards) and chapter 11.02 (clearing and grading requirements) and may be permitted in shorelines only as follows:

1. Fill may be permitted below the ordinary high water mark only:

   ... 

2. Fill in flood hazard areas identified on the Flood Insurance Rate Maps (FIRMs) is not allowed unless the director finds that no feasible alternative exists. Land clearing, grading, filling, and altering of wetlands, natural drainage features and topography are limited to the minimum area necessary for driveways, buildings, and views, and must conform with critical area requirements and SMP setbacks. It is the property owner’s responsibility to obtain required state and federal authorizations for work in wetlands, streams or shoreline waters.

2-3. Fill above or below the ordinary high water mark shall comply with the following regulations:

   a. The extent of filling and excavation allowed shall only be the minimum necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes;

   b. Grading and filling shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and mitigation shall employ the mitigation sequence in section 17.05A.090.C.7;

   c. Excavation and fill shall not be permitted if it would adversely affect normal recharge of groundwater supplies, or degrade quantity or quality of groundwater;

   d. Fill material shall be of a quality, and so placed and contained, as to not cause water quality degradation. Solid waste and other hazardous materials shall not be used as fill material;

   e. Sanitary landfill sites are prohibited within all shoreline designations;

   f. The perimeter of all excavation and filling areas shall be provided with means to control erosion, such as vegetation, retaining walls or other mitigation measures; and

   g. Applications that include placement of fill as a project element shall include the following information:

      (i) Physical, chemical and biological character of fill material;

      (ii) Source of fill material;

      (iii) Method of placement and compaction; and

      (iv) Method of perimeter erosion control.

4. The following requirements apply to land clearing, grading, filling, or alteration of natural drainage and topography for residential construction:

   (i). Land clearing, grading, filling, or alteration of natural drainage and topography shall be limited to the area necessary for driveways, buildings, and view and solar access corridors. Cleared surfaces not to be covered with gravel or impervious surfaces shall be replanted promptly with native or compatible plants
(i.e., groundcovers or other plant materials adapted to site conditions which will protect against soil erosion). This applies to individual construction and shoreline subdivisions. Existing vegetation shall be used to visually buffer structures as viewed from the shoreline, public roads, and adjoining properties. All applications for new construction and subdivisions shall identify trees that are proposed to be removed. If trees are to be removed beyond those required to construct a single-family residence, then a tree removal plan shall also be submitted. The plan shall:

1. Identify the proposed building areas, driveways, and view corridors; and

2. Demonstrate how existing natural screening will be retained while providing for construction, views, and sunlight.

5. All building permit applications for new nonresidential construction, uses, structures or activities must show all trees on the site plan and identify any trees proposed to be removed. If trees are to be removed at other times, a tree removal plan must be submitted to the department for review and approval. Site and tree removal plans must:

   a. Identify the proposed and existing building areas, driveways, and view and solar access corridors;

   b. Demonstrate how natural screening will be retained while providing for construction, views, and sunlight; and

   d. Include a report by a certified arborist for any hazard tree removal.

   ...

**EF. Dredging and dredged material disposal.**

   ...

**EF. Breakwaters, jetties, groins, tide gates and weirs.**

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Reports required for replacement or new structures, not for maintenance</th>
<th>Alternative designs, in order of least to most ecological impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tide-gates</td>
<td>Alternatives Analysis, Needs Analysis, Geocoastal Analysis, Biological Site Assessment with Mitigation</td>
<td>1. Open channel system. 2. Tide-gate that allows for fish passage and saltwater exchange. 3. Tide-gate that allows for saltwater exchange but not fish passage. 4. Tide-gate that does not allow saltwater exchange.</td>
</tr>
</tbody>
</table>
1. No breakwater.
2. Floating type breakwater.
3. Berm breakwater or conventional rubble-mound breakwater.
4. Permeable vertical or horizontal composite breakwater, including piled design.
5. Permeable vertical breakwater on foundation.
6. Impermeable vertical wall breakwater on foundation.

1: If no tide-gate maintenance for period of 5 years, all repair and maintenance requires complete report submittal and alternatives analysis.

1. Breakwaters, jetties, groins, tide gates, and weirs located waterward of the OHWM shall be allowed only where necessary to support water-dependent uses, public access, or other specific public purpose.

...  

7. Replacement of existing breakwaters, jetties, groins, tide gates, or weirs shall be regulated as new structures, in accordance with the provisions of 17.05A.110.E above.

...  

20. For new waterfront subdivisions, planned residential developments, multi-family residences, and inns permitted on or after January 19, 2016 only joint use docks and piers may be permitted.

21. Unsafe docks, piers, and floats shall be removed or repaired promptly by the owner in accordance with this section, 17.05A.110.B.21.
17.05A.130 - Shoreline Master Program procedures.

B. Shoreline permit application requirements. A complete application for a shoreline substantial development, conditional use, or variance permit shall contain, at a minimum, the following information:

7. A general description of the property as it now exists including its physical characteristics and improvements and structures; and

8. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

   a. The boundary of the parcel(s) of land upon which the development is proposed;

   b. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that, for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, a description of the field indicators observed and rationale for determination shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;

   (i.) Where a conflict or dispute arises between an applicant’s determination of ordinary high water mark and the County’s determination, the applicant and the County shall each provide a written justification for their individual ordinary high water mark determinations to the Department of Ecology.

   (ii) The Department of Ecology shall make the final ordinary high water mark determination based on their own investigation and the information provided by the applicant and the County.

   c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;

C. Permit review process and approving authority.

2. Shoreline exemptions are subject to a Type I application and shall be subject to the land use review process described in chapter 16.19.

3. Unless the underlying approval is classified as a Type III decision, shoreline substantial development permits, shoreline conditional use permits, and shoreline variances, are Type II applications and shall be processed and subject to the land use review process
outlined in chapter 16.19, except that shoreline substantial development permits, shoreline conditional use permits, and shoreline variances shall all require a preliminary application meeting prior to application submittal. The Shoreline Administrator may refer a shoreline substantial development permit application, shoreline conditional use application, or shoreline variance application to the Hearing Examiner for a public hearing and decision when requested by the Applicant or when the Shoreline Administrator determines that such action is prudent based on the significance of public comments received, or based on the scale and scope of the proposal.

4. Determinations of the Shoreline Administrator regarding applicability of the SMP, exemptions and application requirements shall be processed as Type I decisions pursuant to chapter 16.19.

7. A notice of application shall be issued for all shoreline permit applications as provided for in chapter 16.19, which is consistent with WAC 173-27-110. The public comment period for the notice of application for a shoreline permit shall be not less than thirty (30) days, per WAC 173-27-110(2)(e).

8. Special procedures for Washington State Department of Transportation projects.
   a. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
   b. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

9. All applications for a permit or permit revision shall be submitted to the Department of Ecology, as required by WAC 173-27-130 or as subsequently amended.

10. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. A permit revision shall be consistent with provisions of WAC 173-27-100. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program and the policies and provisions of Chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

11. After county approval of a conditional use or shoreline variance permit, the county shall submit the permit to the Department of Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. The Department shall transmit its final decision to the county and the applicant within thirty (30) calendar days of the date of submittal by the county.

12. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the County will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.
a. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

b. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:

(i) For projects that only require a Substantial Development Permit: the date that Ecology receives the County's decision.

(ii) For a Shoreline Conditional Use Permit (SCUP) or Shoreline Variance (SVAR): the date that Ecology’s decision on the CUP or Variance is transmitted to the applicant and the County

(iii) For SDPs simultaneously mailed with an SCUP or SVAR to Ecology: the date that Ecology’s decision on the SCUP or SVAR is transmitted to the applicant and the County

13. Each permit issued by the county shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with the Department of Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the county's final decision on substantial development permits differs from date of filing for a conditional use permit or variance. In the case of a substantial development permit, the date of filing is the date the county transmits its decision on the permit to the Department of Ecology. In the case of a variance or conditional use permit, the "date of filing" means the date the Department of Ecology's final order on the permit is transmitted to the county. Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.

14. Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity.

15. Responsibilities of Department Director and Planning Commission.

a. Director.

(i). The director makes written recommendations to the decision-maker regarding shoreline permit applications, provides technical and administrative assistance to the hearing examiner as required, and provides such technical assistance to the planning commission and County council as may be needed; and

(ii). The director has the overall administrative responsibility for the SMP including:

A. Establishing the procedures and preparing the forms deemed essential for the administration of the SMP;
B. Advising applicants for permits and other interested persons of the policies, regulations, and procedures established by the SMP and the SMA;

C. Making administrative interpretations of the SMP, as necessary;

D. Collecting required fees;

E. Determining that applications are proper and complete prior to review;

F. Making field inspections; and

G. Seeking compliance with the provisions of the SMP and the SMA and with conditions attached to a shoreline permit issued by the County.

b. The department and planning commission have authority to review and recommend revisions to the SMP

D. Shoreline Master Program review and amendments.

5. The SMP review and update process shall be consistent with the requirements of WAC 173-26 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

6. Amendments or revisions to the Island County Shoreline Master Program, as provided by law, do not become effective until approved by the Department of Ecology are effective 14 days from Ecology’s written notice of final action.

E. Shoreline substantial development permits and exemptions

2. Exemptions from substantial development permit requirements.

a. Exemptions shall be narrowly construed in accordance with WAC 173-27-040(1). A use classified as a shoreline conditional use or a use not named or contemplated is allowed only as a shoreline conditional use and is ineligible for shoreline permit exemption.

b. Permit exemption letters shall be prepared for projects requiring Federal Rivers and Harbors Act section 10 permits and/or Federal Clean Water Act section 404 permits.

c. Key terms used in this section are defined in the definitions sections, including: appurtenance, consumer price index, normal maintenance, normal repair, normal protective bulkhead, shoreline stabilization, and emergency.

d. The following, as defined in WAC 173-27-040, are not considered to be substantial developments:

   (i) Any development of which the total cost or fair market value, whichever is higher, does not exceed six thousand four hundred and sixteen dollars
seven thousand and forty seven dollars ($7,047.00), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five (5) years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

(ii) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(vii) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the county and state agency having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed 250 cubic yards and which does not involve placement of fill waterward of the Ordinary High Water Mark or in any wetland. Construction authorized under this exemption shall be located landward of the ordinary high water mark and shall be subject to required setbacks. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
(viii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private, non-commercial use of the owners, lessee, or contract purchaser of single- and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exemption applies if the fair market value of the dock does not exceed:

1. In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars ($2,500.00).

2. In fresh waters, the fair market value of the dock does not exceed twenty thousand dollars ($20,000) ten thousand dollars ($10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars ($2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(ix) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of the system waters, including return flow and artificially stored groundwater from the irrigation of lands. WAC 173-27-040(2)(i);

... 

(xvi) A public or private project that is designed to improve fish or wildlife habitat or fish passage, as provided in WAC 173-27-040(2)(p), when all of the following apply:

1. The project has been approved by the Washington Department of Fish and Wildlife (WDFW);

2. The project has received hydraulic project approval by the WDFW pursuant to 75.20 RCW; and

3. The county has determined that the project is substantially consistent with this shoreline master program;

4. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs

... 

(xix) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

... 

e. Those shoreline uses which are exempt from a Substantial Development Permit, shall still require Department review through either a Shoreline Exemption or a Limited Review Shoreline Exemption.
(i). Shoreline Exemptions which may be processed as Limited Review are those uses which require minimal interagency coordination and regulatory review and meet all of the following criteria listed below:

1. the project is exempt from Substantial Development Permit Requirements per WAC-173-27-040;
2. the project qualifies for a Type I permit review per Chapter 16.19 ICC;
3. the project does not require a threshold determination under SEPA; and
4. the project is not within a wetland, FWHCA, or an associated buffer. Unless, that FWHCA is a marine buffer and neither a threshold determination under SEPA nor a biological site assessment is required; in such a case the project may still be processed as a Limited Review provided it meets the other criteria of this section.

(ii). The following process requirements apply to Limited Review Shoreline Exemptions.

1. Multiple projects on a single parcel may be processed as a singular Limited Review, provided that the individual projects meet the criteria for a Limited Review as outlined in this section.
2. Prior to issuing a decision on a Limited Review application, the Department may request verification that the original use or structure was legally established.
3. If the project is in the vicinity of cultural resources, review from DAHP is necessary.

(iii). Uses that qualify for Limited Review include, but are not limited to, the following.

1. Like-for-like replacement of an existing, legally established and permitted structure which is 400 square feet or less in size such as decks, porches, carports, garages or tool sheds. The replacement shall not include any changes to the size, location, or configuration of the structure or include habitable space.
2. Like-for-like replacements of septic components, not to include drainfield replacement or relocation, which do not increase septic capacity by more than ten (10) percent.
3. Small additions, that do not exceed 400 square feet or 25% of the existing footprint, whichever is less, where the addition is made to the landward side of an existing residence, such as decks, porches, carports, or garages. Such additions shall not include habitable space.
4. Minor accessory structures such as tool sheds, garden sheds, or greenhouses located to the landward side of the shoreline setback.
5. Normal maintenance and repair of accessory structures that do not include habitable space.
(6) Raising a single family home to meet the flood development standards of Chapter 14.02A ICC.

(7) Retrofits to existing structures to comply with the Americans with Disabilities Act.

(8) Other uses may qualify for Limited Review subject to department review prior to application submittal.

f. Installation of minor heating, ventilation, and air conditioning (HVAC) appurtenances are exempt from all shoreline permits, including the Limited Review process outlined in item e above, provided that all applicable codes, setbacks, and the following requirements are met:

(i) the unit is installed at or above grade;

(ii) the impervious footprint (which includes any concrete pad or other stabilization installed with the HVAC appurtenance) is less than twelve (12) square feet;

(iii) the impervious footprint does not extend further than three (3) feet from the exterior wall of the building;

(iv) the impervious footprint does not encroach into the shoreline setback or buffer;

(v) the HVAC unit does not impact views per this Chapter;

(vi) for existing structures within the shoreline setback or buffer the unit shall not be placed closer to the shoreline than the existing residence or an existing structure (such as a deck or patio); and

(vii) installing the HVAC system does not include excavation or the pouring of concrete.

g. Vegetation maintenance activities outlined in ICC 17.05A.110.C are exempt from all shoreline permits, including the Limited Review process outlined in item e above. County review to ensure consistency with all applicable codes, shall still be required. Such review may include, but is not limited to, the submittal of the following types of information.

(i) A description of the proposal.

(ii) A site plan illustrating the location of the proposal in relation to the shoreline, other structures, and steep or unstable slopes.

(iii) An certified arborist’s report.

(iv) A geotechnical report or analysis.

F. Shoreline conditional use permit.

...
the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

a. The county shall have the authority to require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, and other shoreline attributes.

b. Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:

(i) Current ecological functions and human factors influencing shoreline natural processes; and

(ii) Reasonably foreseeable future use and development of the shoreline; and

(iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws; and

(iv) Mitigation measures implemented in conjunction with the proposed project to avoid, reduce and/or compensate for adverse impacts.

G. Shoreline Variance

... 

6. Variances for a development or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the applicant can demonstrate all of the following:

a. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property;

b. That the proposal is consistent with the criteria established in this SMP; and

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

7. Decision Criteria – Wetland or Fish and Wildlife Habitat Buffer. Where the Shoreline Variance request includes a reduction to a wetland or fish and wildlife habitat area buffer, the applicant shall demonstrate the following:

a. Approval of the variance will not adversely impact receiving water quality or quantity.

b. Approval of the variance will not adversely impact any functional attribute of the habitat area.

c. Approval of the variance will not jeopardize the continued existence of species listed by the Federal government or the State as endangered, threatened, sensitive, or documented priority species or priority habitats.

d. The proposal avoids impacts, where possible, and provides mitigation, pursuant to ICC 17.05A.C.7, to the maximum practical extent.

7-8. In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments or uses in the area where similar circumstances exist, the total
of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

K. Moratoria authority and requirements

1. Island County has authority to adopt a moratorium control or other interim control on development under RCW 90.58.590.

2. Before adopting the moratorium must:
   a. Hold a public hearing on the moratorium or control;
   b. Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;
   c. Notify the department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing; and
   d. Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

4. The public hearing must be held within sixty days of the adoption of the moratorium or control.

5. A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review.

6. A moratorium or control may be renewed for one or more six-month period if Island County complies with the requirements in subsection (2) above before each renewal.

17.05A.140 – Nonconforming development.

Nonconforming use or development means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of this Master Program. In such cases, the following standards shall apply:

A. In all cases, the burden shall be on the property owner and/or applicant to prove that a use or structure was lawfully constructed or established. For establishing the existence of shoreline stabilization see ICC 17.05A.110.A.5.j.

B. Nonconforming Structures.

A1. Residential and appurtenant structures (excluding bulkheads, overwater structures or other shoreline modifications) that were legally established and are used for a conforming use, but that do not meet current standards for density, lot size, setbacks and buffers shall be considered a conforming structure. Redevelopment, expansion, or replacement of these residential structures shall be consistent with this Shoreline Master Program, including requirements for no net loss of shoreline ecological
functions. Nothing in this section: (a) Restricts the ability of this Master Program to limit redevelopment, expansion, or replacement of overwater structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures.

B.2. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers, area, bulk, height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Also see the provisions of ICC 17.05A.090.E for shoreline setback, shoreline buffer, and impervious surface modifications permitted without a shoreline variance.

(i). Lateral expansion of structures into areas prohibited by current bulk, dimensional or performance standards shall require a variance, with the following exception.

A. For the replacement of grandfathered factory built homes, a greater building footprint than existed prior to replacement may be allowed in order to accommodate the replacement of a factory built home with another factory built home that does not have the same size and shape. A proposed increase less than twenty-five percent of the existing home's footprint shall not require a variance.

B. Applications for such replacements shall include a habitat management plan that identifies measures to protect habitat and mitigates for unavoidable impacts. The replacement home may be no closer to the shoreline than the existing residence.

3. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

4. Rebuilding After Damage. If a nonconforming development sustains major structural damage due to fire, flood or other natural disaster, it may be reconstructed upon its original site and to the configuration existing immediately prior to the damage, provided:

(i). The rebuilt structure will not cause adverse effects to adjacent properties or to the shoreline environment; and

(ii). The site is geologically stable; and

(iii). No horizontal or vertical expansion or enlargement of the footprint or height, or any degree of relocation, will occur; and

(iv). No degree of relocation will occur, except to increase conformity, in which case the structure shall be located as far landward as possible or in the least environmentally damaging location relative to the shoreline or any critical area; and

(v). The submittal of applications for permits necessary to restore the development is begun within one year of the damage. The administrator may waive this
requirement in situations with extenuating circumstances such as resolution of an estate, or widespread economic or natural disaster; and

(vi). The reconstruction is commenced within two years of the issuance of permits. Administrator may allow a one-year extension.

5. A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act to the maximum extent feasible.

6. If a nonconforming structure is intentionally modified and the cost of the proposed development exceeds sixty (60) percent of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP;

7. Applications for the movement, replacement, redevelopment, expansion or modification of nonconforming structures must demonstrate that the proposed action will not:

(i). Result in a net loss of shoreline ecological functions;
(ii). Increase adverse impacts on shoreline critical areas;
(iii). Create a new nonconformance or increase the degree of inconsistency with the provisions of this SMP; or
(iv). Result in a hazard to people or property.

8. To demonstrate no net loss of shoreline ecological functions, an analysis must be provided by the applicant that addresses any:

(i). Increase in the quantity of pollutants from the site;
(ii). Increase in the quantity of surface runoff from the site;
(iii). Decrease in trees and other vegetation within buffers and tree protection zones;
(iv). Decrease in the stability of the site and other properties; and
(v). Changes to the transport of sediment to and within nearshore areas.

B. Nonconforming Uses

C.1. Uses that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in this SMP upon approval of a conditional use permit shoreline variance consistent with 17.05A.090.D.2;

D.2. A use which is listed as a conditional use, but which existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the Master Program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use;
E. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities;

F. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
   1.(i) No reasonable alternative conforming use is practical; and
   2.(ii) The proposed use will be at least as consistent with the policies and provisions of the Act and the Master Program and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard;

G. A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act to the maximum extent feasible;

H. If a nonconforming development is unintentionally damaged to an extent not exceeding seventy-five (75) percent of its real valuation exclusive of foundations, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within one (1) year of the date the damage occurred, all permits are obtained, and the restoration is completed within two (2) years of permit issuance;

I. If a nonconforming structure is intentionally modified and the cost of the proposed development exceeds sixty (60) percent of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP;

J. A nonconforming use that is discontinued for a period of twenty-four (24) continuous months shall not be allowed to be re-established as a nonconforming use; and

D. Nonconforming lots

K. An undeveloped lot, tract, parcel, site, or division of land located landward of the Ordinary High Water Mark which was established prior to the effective date of the Act or the Master Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the Master Program and the Act.
17.05A.170 – Conflict of Provisions.

Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the county, the requirement that most supports the purposes and provisions of the Shoreline Management Act, as detailed in RCW 90.58.020, shall apply, as determined by the county, except when constrained by federal or state law.

In case of any ambiguity, difference of meaning, or inconsistencies between the text and any illustrations or other graphics and maps, the text throughout this Title, including text within tables, shall control. In addition, in case of any ambiguity, difference of meaning, or inconsistencies between the text throughout this Title, and the text within tables, the text throughout this Title shall control.
Exhibit B

Amendments to Island County Comprehensive Plan Elements:

3 - Shoreline Management Element
Island County's Shoreline Master Program (SMP) carries out the policies of the SMA for the unique Puget Sound and lake shorelines across Whidbey, Camano, and other small islands.

The SMP provides policies, regulations, and permit procedures for shoreline development tailored to the unique geographic, economic, and environmental needs of Island County.
MAP 3A. Shoreline Environmental Designations

This map is intended to be used as a guide. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on the map are not accurately depicted. Any use of this map is at the user's own risk and Island County has no liability, damage, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

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3 Shoreline Management

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Island County

Shoreline Master Program

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Chapter I: Introduction

Purpose

This Shoreline Master Program (SMP) provides goals and policies which apply to all shorelines of the state and freshwater lakes 20 acres or larger, associated wetlands and the area 200 feet landward from the ordinary high water mark, as well as seaward of that line to the limits of County jurisdiction, generally the centerlines of the Port Susan, Skagit Bay, Admiralty Inlet and Puget Sound. It is the intent of this SMP to protect the public interest in the waters of the state. The County recognizes that the waters of the state belong to the public, and that the County government is to act as the trustee of those waters, as recognized in the Public Trust Doctrine and required by state law under the Shoreline Management Act (SMA). In accordance with the SMA, the Island County SMP is intended to manage the use and development of the shorelines of Island County by giving preference to water-dependent and water-related uses, by providing public access to the shorelines, and by regulating shoreline development and activities to occur in a manner that does not result in a loss of ecological functions and processes.

The Shoreline Master Program goals and policy statements, along with the shoreline land use map, are the foundation for specific guidelines concerning how to regulate and manage activities occurring within the County’s shoreline jurisdiction. These goals and policies reflect the aspirations and concerns that Island County citizens and stakeholders expressed about the County’s shorelines in the 2001 version, as well as during a series of community meetings held in 2011 and 2012.
Chapter II: Shoreline Goals and Policies

This chapter provides goals and policies relating to seven elements for protecting and managing Island County’s shorelines and implementing the Shoreline Master Program. The goals and objectives are organized into elements consistent with State guidelines (WAC 173-26) that cover broad aspects of shoreline management.

A. Economic Development Element

The Economic Development Element addresses goals and policies for industries, transportation, port, and tourist facilities that are particularly dependent on a waterfront location.

This element considers relationships between activities, structures, and modifications required for economic development, and other policies of Island County and the Shoreline Management Act (SMA). For the purposes of shoreline management, economic development means human use of the shoreline area to produce goods and services. Thus, boat manufacturing, fishing and transportation facilities are all examples of economic development. These policies also recognize that areas already developed with commercial uses are concentrated in the three incorporated areas of the County, and that the SMPs for those jurisdictions should provide for most of the expected growth in economic development along the shorelines, with the exception of the shellfish industry which requires clean water and other conditions that are generally not present in incorporated areas of the county.

When new economic development is proposed, questions of location, design and operation must be dealt with by the developer and regulatory agencies. Physical effects of the new development upon other activities and resources must also be taken into consideration. Public decision makers must recognize that shoreline space and resources are limited even on an island, and that their innate qualities and potential uses can vary greatly depending on the location. Some types of shorelines are abundant, others are uncommon or unique.

GOAL: Allow economic development, including residential development, along shorelines that will be an asset to the local economy without degrading the shoreline environment. New businesses shall be located and designed to ensure compatibility among uses and enhancement of the quality of life for residents of Island County.

Policies:

1. Economic development should be conducted in a manner that minimizes adverse impacts and results in no net loss of shoreline ecological functions.

2. Encourage new economic development to locate in areas that are already developed with similar uses.
3. Encourage new water-dependent, water-related, and water-enjoyment economic development in appropriate but limited shoreline areas in the unincorporated county that are compatible with adjacent uses.

4. Promote actions ensuring a safe, clean and attractive community.

5. Work with Port Districts and the Economic Development Council to promote the development of commercial and industrial activities that do not require substantial increases in public expenditures for public services.

6. Provide for a healthy and productive shellfish industry that is compatible with ecological protection of the shoreline.

7. Economic development on the shoreline should facilitate public access and recognize that the natural beauty and ecology of the shoreline is an economic asset.

**B. Recreation and Public Access Element**

Island County contains over 200 miles of freshwater and saltwater shorelines. The greatest portion of these shorelines is privately owned, which limits access to the general public. This element is concerned with existing and future additional public recreational opportunities and public access to shorelines, including but not limited to publicly owned parks, tidelands, beaches, recreational areas, and visual access to public waters.

Public access to shorelines is essential to most Island County residents and is an important economic driver for Island County, especially in terms of tourism. In planning for additional recreation areas and facilities within shoreline areas, Island County updated its Parks and Recreation Plan in December 2011. The Plan was adopted as an element of the Island County Comprehensive Plan and provides an analysis of the County’s anticipated recreation needs and projects to meet a growing populace over the next 20 years.

**GOAL:** Increase and enhance a variety of safe and well-maintained recreation opportunities and public access to publicly owned shorelines and tidelands of Island County consistent with the natural shoreline character, public safety, individual privacy, and property rights.

**Policies:**

1. Public access and recreation on public lands is a preferred use of shorelines of the state. Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline are preferred.
2. Recreation facilities should be dispersed along the shoreline in a manner that supports frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.

3. Establish workable policies and procedures for identifying, cataloguing, mapping, signing, managing, and recovering public access and tidelands where public access to the shoreline may have been lost or impeded by encroachment or other actions by adjacent or nearby property owners.

4. Protect and maintain existing recreational uses and public access points, and make improvements as needed to ensure safe and convenient access that is compatible with adjacent uses and protective of shoreline ecological functions.

5. Recreational development and public access should be located, designed, and operated to ensure no net loss of ecological functions, protect public health and safety, and minimize adverse impacts on other shoreline uses.

6. Provide a balanced choice of passive and active recreational opportunities countywide, while recognizing that shorelines should be used primarily for water-oriented recreation.

7. Respect and protect private rights in shoreline property when considering recreational uses and public access development.

8. Encourage the development of public access to all publicly owned shorelines, where appropriate.

9. Require commercial, industrial, and multifamily residential waterfront development, and residential subdivisions to provide a means for safe visual and pedestrian access to shorelines, where feasible.

10. Acquire suitable upland shoreline properties to provide public access to publicly owned shorelands and tidelands in areas where existing access is inadequate and before other development makes such action impossible.

11. Encourage linkage of shoreline parks, recreation areas and public access points with linear systems, such as hiking trails, bicycle routes, easements and scenic drives.

12. Artificial marine life habitats (i.e., dive parks) should be constructed in areas of low habitat diversity and in consultation with the Washington State Department of Fish and Wildlife and Department of Natural Resources.

13. Encourage innovative and cooperative approaches among public agencies and private parties such as the Island County Public Benefit Rating System and Conservation Futures Fund program, to provide shoreline recreation opportunities and public access.

14. Trails and pathways on steep shoreline bluffs should be located, designed, and maintained to protect bank stability without the need for shoreline armoring.
15. Protect public visual access to the shorelines and encourage the establishment of new scenic view points.

C. Transportation Element

This element deals with those structures and activities connected with the movement of people, goods, and services, and with their relationship to the shorelines. Along with roads, highways and ferry terminals, this element considers pedestrian, equestrian, and bicycle paths. Transportation activities include buses, auto trips, truck transport, foot and bicycle traffic, land-sea cargo handling and others. The goal and policies will serve as the guiding tools for design and construction of efficient transportation systems within the shorelines of Island County.

**GOAL:** Where transportation facilities must be located within shoreline jurisdiction, develop systems to assure safe, efficient movement of goods and people while minimizing disruptions to the shoreline environment and potential conflicts between different users.

**Policies:**

1. Transportation facilities should generally be located outside the shoreline, unless necessary to serve shoreline uses or to provide access between islands and the mainland.

2. Locate, develop, manage, and maintain transportation systems in a manner that protects shoreline ecological functions and processes by minimizing and mitigating unavoidable impacts.

3. Provide water facing signage informing boaters of the availability of publicly owned haul-outs.

4. Provide safe pedestrian and bicycle facilities in public shoreline areas.

5. Encourage provision of public transit to major shoreline public access areas, especially those where existing parking is limited.

6. Provide for road access to shorelines that is aesthetically compatible and non-disruptive to natural shorelines.

7. Encourage joint-use of transportation and utility corridors.

8. Evaluate the feasibility of a small scale passenger ferry service between Whidbey and Camano Islands as a potential water-dependent use.
D. Shoreline Use Element

This element considers the pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including but not limited to housing, commerce, industry, transportation, public facilities, utilities, agriculture, education and natural resources. Also to be considered is the pattern, distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation.

**GOAL:** Provide functional and attractive shoreline uses that are appropriate in scale, configuration, and location, and are sensitive to and do not degrade habitat and shoreline ecological processes.

**Policies:**

1. Give preference to water-dependent uses and single family residential uses that are consistent with the preservation of shoreline ecological functions and processes. Give secondary preference to water-related and water-enjoyment uses. Allow non-water-oriented uses only when substantial public benefit is provided with respect to the goals of the SMA for public access and ecological restoration.

2. Ensure that all potential shoreline uses and development are located and designed to avoid a net loss of shoreline ecological functions.

3. Encourage clustering of compatible uses for shoreline development as a means of minimizing disturbance of natural shoreline areas.

4. Evaluate the potential for saltwater intrusion into water supply wells when permitting development proposals or shoreline activities.

5. Utilize Department of Ecology methodology to determine the accuracy of the ordinary high water mark when evaluating future development proposals or shoreline activities.

6. Sea level rise and increased frequency and magnitude of extreme storm events as a result of climate change should be taken into account when considering and evaluating shoreline uses.

7. Land uses allowed on upland areas adjacent to the shorelines should be compatible with shoreline uses and should avoid impacting shoreline resources.

8. Encourage shoreline uses and development that enhance and increase public access to the shoreline.

9. Explore potential opportunities for private-public partnerships to locate an appropriate small ferry boat landing site on Camano Island to promote inter-island transit.
E. Historic and Cultural Element

This element considers shoreline areas that contain archaeological and historical resources. It is the intent of this element to establish policies that will aid in the protection and restoration of buildings, archaeological sites and areas having historic, cultural, educational, or scientific value.

Island County has established one of the largest Historical Preservation Districts (Ebeys Landing) in the Puget Sound Basin and Pacific Northwest. Additionally, Island County has a large number of prehistoric cultural resources which occur on a variety of public and private lands. To date, only a small portion of these resources have been investigated and catalogued. The current archaeological site inventory for the County includes a number of different sites, of which the five major types are shell middens, lithic sites, earthworks, rock cairns, and burial grounds. While shell middens and burial grounds are strongly associated with shorelines, the other types may also be found within the shorelines of the County.

GOAL: Protect, preserve, and restore historical, cultural, educational, and scientific sites within the shorelines of Island County.

Policies:

1. Recognize the probability that shoreline development may encounter archeological, historic or cultural resources, and establish procedures for protecting and preserving them.

2. Collaborate with affected Tribes, state, federal and local governments to protect Native American artifacts and sites of significance, and other archaeological and cultural resources, in accordance with all state and federal regulations.

3. Encourage revisions to and updating of local administrative codes that protect and restore historical, cultural, educational and scientific sites.

4. Encourage the preservation of sites for scientific study and public observation.

5. Island County Marine Stewardship Areas should be the focus of additional educational efforts to encourage greater appreciation and stewardship of marine resources.

F. Conservation Element

This element deals with the preservation of the natural shoreline functions and resources considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features. It also considers the protection of human health and property from geological and flood hazards. This element recognizes that all waters of Puget Sound contain at least one, and often several of the elements that constitute critical saltwater habitat, thus planning for protection of these areas must be integrated into the environment designations.
**GOAL:** Ensure preservation and continued utilization of Island County’s unique, fragile, and scenic shoreline areas and preserve their ecological features and functions.

**Policies:**

1. Provide for conservation controls and mitigation standards which will ensure new shoreline developments prevent a net loss of shoreline ecological functions and enhance the quality of natural resources on shorelines for the enjoyment and utilization of future generations of users.

2. Provide for the protection of endangered species and habitat areas essential for persistence of shoreline oriented species and preserve shoreline areas having unique natural resource systems valuable for scientific research or education.

3. Protect critical areas including wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas, and areas with a critical recharging effect on aquifers, consistent with the policies and regulations in Chapter 17.02A ICC for wetland protection, Chapter 11.02 ICC for geologically hazardous areas, Chapter 14.02 for frequently flooded areas. For fish and wildlife habitat conservation areas, protection under Chapter 17.02 ICC should be expanded to include critical saltwater and freshwater habitats as defined in WAC 173-26-221(2)(a)(i)(iii) and (iv), and integrate these protections into the SMP through appropriate environment designations, use restrictions, and development standards.

4. Minimum buffers and setbacks should be established for each environment designation that protect against a net loss of ecological functions, recognizing both the types of habitat present and the degree of existing development.

5. Increase understanding of shoreline processes and incentives for good stewardship.

6. Encourage preservation of scenic and aesthetic qualities of shorelines and vistas.

7. Prioritize protection and conservation of shoreline areas that are ecologically intact and minimally developed or degraded.

8. Safeguard the waters, marine life, plant life and surrounding shores and beaches of the Island County Marine Stewardship Areas.

9. Work with the Washington State Department of Natural Resources to support the goals and objectives for protecting the Smith and Minor Islands Aquatic Reserve.

10. Island County shall establish a program to monitor the effects of ongoing climate change on the marine environment by annually measuring sea level and marine water pH at a minimum of five established sites spread throughout Island County.
G. Restoration Element

This element provides for the restoration and enhancement of ecologically impaired areas in a manner that achieves a net gain in shoreline ecological functions and processes above the baseline conditions.

**GOAL:** Re-establish, rehabilitate, and otherwise improve impaired shoreline ecological functions and processes through voluntary and incentive-based public and private programs and actions that are consistent with the Island County restoration plan and other approved restoration plans.

**Policies:**

1. Improve shoreline functions, processes, and values over time through regulatory, voluntary and incentive-based public and private programs and actions that are consistent with the Shoreline Master Program Restoration Plan and other agency adopted restoration plans.

2. Encourage cooperative restoration programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners.

3. Target restoration and enhancement towards improving Washington Department of Fish and Wildlife priority habitat or locally important wildlife species.

4. Ecological restoration activities are encouraged in all shoreline environments and are considered to be consistent with all uses including residential, commercial, and industrial, provided they are designed appropriately.

5. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted toward meeting the needs of endangered, threatened, and regionally important plant, fish, and wildlife species and habitats.

6. Restoration should be integrated with and should support other natural resource management efforts in Island County and in the Puget Sound region.

7. When prioritizing restoration actions, the County should give highest priority to measures that have the greatest chance of reestablishing ecosystem processes and creating self-sustaining habitats.
Chapter III. Shoreline Environment Designations

In order to plan and effectively manage shoreline resources, the State's shoreline guidelines require that each jurisdiction categorize its shoreline area into Shoreline Environment Designations. The classification system consists of six designations: High Intensity, Shoreline Residential, Urban Conservancy, Rural Conservancy, Natural, and Aquatic.

The purpose of shoreline environment designations is to provide a uniform basis for applying policies and use requirements within distinctively different shoreline areas.

The principles of the Shoreline Management Act of 1971 regarding establishing shoreline environment designations, as set forth in Chapter WAC 173-26-110, state that the shoreline environment designation to be given any specific area is to be based on the following:

1) existing development pattern;
2) biophysical capabilities and limitations of the shoreline being considered for development; and
3) locally adopted plans.

The various shoreline environment designations, along with their respective classification criteria, are discussed in this chapter. The importance of designating shoreline environments for approximately 207 miles of shorelines of Island County with a high degree of objectivity, comparability, and consistency was recognized. In order to minimize error, every effort was made to apply the descriptive criteria in a meaningful, factual and logical manner. Moreover, multiple criteria, rather than a single criterion, were always applied as detailed in the report Shoreline Environment Designation Criteria dated October 2011.

Due to historical development patterns in Island County prior to adoption of the SMA, several shoreline areas are currently characterized by small lot parcelization. While some shorelines in the County may be densely platted or developed, the shoreline may still exhibit high environmental quality with significant development constraints such as steep slopes. In some cases, a platted or developed shoreline may have an environmental designation that focuses on conserving the environmental quality that remains, rather than allowing higher densities to expand consistent with the small lot historical platting pattern.

NATURAL

A. Purpose

The purpose of the Natural designation is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources.

B. Criteria for Designation

1. Areas designated Natural should meet one or more of the following criteria:
a. Areas that are generally free from shoreline modifications, structures, roads, and significant agricultural uses, or have the potential to regain natural conditions with minimal or no restoration activity;

b. Areas critical for the support of federal and state listed priority, sensitive, threatened or endangered species;

c. Areas of waterfowl concentration;

d. Areas where the shoreline, whether minimally disturbed or intact, represents an ecosystem type or geologic feature that is of particular scientific or educational interest;

e. Forested riparian areas predominantly composed of native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies;

f. Areas of shoreline-associated wetlands with generally intact buffers;

g. Salt marsh areas that are intact or, if previously used for agriculture, are capable of being restored;

h. Feeder bluffs without existing development above or below the slope, or development that is sufficiently set back from the top of slope so that the slope can function normally without endangering structures;

i. Undisturbed estuaries or accretional spits;

j. Areas unable to support new development or uses without significant adverse impacts to ecological functions, or that possess serious development limitations or human health and safety risks due to the presence of environmental hazards related to flooding, erosion or landslides and similar occurrences.

2. For areas designated due to the presence of specific habitat features, the designated areas should be large enough to protect the functions and values of the habitat, and the processes necessary for its persistence.

C. Management Policies

1. Any use that would substantially degrade the ecological functions or the natural character of the shoreline area should not be allowed.

2. New agricultural activities should be limited to low intensity agriculture and located outside of any required buffers.

3. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
4. The following new uses should not be allowed in the Natural environment designation: commercial uses; aquaculture; industrial uses; and non-water-oriented recreation.

5. Roads, utility corridors, and parking areas should be located outside of Natural designated shorelines, except where necessary to support shoreline uses, and then should only extend into the shoreline to the minimum extent necessary.

6. Existing roads and parking areas should not be expanded in Natural designated shorelines, except where necessary to support shoreline uses.

7. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Natural designation that protect intact areas of fish and wildlife habitat and allow development only where set back sufficiently from the shoreline to allow normal ecological functions to continue.

**URBAN CONSERVANCY**

**A. Purpose**

The purpose of the Urban Conservancy designation is to protect and restore ecological functions of open space and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

**B. Criteria for Designation**

1. Areas inside urban growth areas, as defined in RCW 36.70A.110, should be designated Urban Conservancy if any of the following characteristics apply:

   a. They are suitable for water-related or water-enjoyment uses;

   b. They are open space, flood plain or other sensitive areas that should not be more intensively developed;

   c. They have potential for ecological restoration;

   d. They retain important ecological functions, even though partially developed; or

   e. They have the potential for development that is compatible with ecological restoration.

**C. Management Policies**

1. Uses that preserve the natural character of the area or promote preservation of open space, floodplain, or critical areas either directly or over the long term should be the primary allowed uses.
2. Water-oriented and single family residential uses should be given priority over non-water-oriented uses.

3. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with adjacent uses and the setting.

4. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy designation that protect critical areas while allowing uses compatible with protection of shoreline resources.

5. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

**RURAL CONSERVANCY**

**A. Purpose**

The purpose of the Rural Conservancy designation is to protect, conserve, and manage ecological functions, harvestable natural resources, and aesthetic, cultural, historic, and recreational areas, in order to provide for rural residential use and recreational opportunities.

**B. Criteria for Designation**

Areas designated Rural Conservancy should meet one or more of the following criteria:

1. The shoreline is generally undeveloped, or currently supporting lesser intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170.

2. The shoreline is supporting human uses but subject to environmental limitations, including steep slopes presenting erosion and slide hazards, wetlands, streams, areas prone to flooding, and/or contains areas that cannot provide adequate water supply or sewage disposal.

3. The shoreline is supporting or can support low impact outdoor recreational activities.

4. The shoreline has aesthetic, cultural, historic, or recreational qualities of regional or statewide importance.

5. The shoreline is predominantly low density residential use or low-intensity water-dependent uses.

6. Undesignated shoreline areas are designated Rural Conservancy.
C. Management Policies

1. Uses in the Rural Conservancy designation should be limited to those that sustain the shoreline area’s physical and biological resources, including low density residential development, and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

2. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

3. Public or private outdoor recreation facilities should be encouraged if compatible with the character of the area and developed in a manner that maintains shoreline ecological functions and processes. Preferred recreation uses include water-oriented facilities that do not deplete shoreline resources over time, such as boating facilities, wildlife viewing, trails, and swimming beaches.

4. The aesthetic, cultural, ecological, historic, and recreational character of the area is to predominate over the impact of human development.

HIGH INTENSITY

A. Purpose

The purpose of the High Intensity designation is to provide for high intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and, where feasible, restoring ecological functions in areas that have been previously degraded.

B. Criteria for Designation

1. Areas designated High Intensity should include only areas that currently support water-dependent uses related to commercial boatyards and marinas, transportation or navigation, or are suitable and needed to accommodate similar water-oriented uses in the foreseeable future.

C. Management Policies

1. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with relevant state and federal law.

2. Because shorelines suitable for High Intensity uses are a limited resource, emphasis shall be given to development within already developed areas. Full utilization of existing developed areas should be achieved before further expansion of intensive development is allowed.

3. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non water-oriented uses should not be allowed except as part of mixed use developments and where they do not conflict with or limit
opportunities for water-oriented uses, or on sites where there is no direct access to the shoreline.

4. Aesthetic considerations should be addressed by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

5. Encourage municipalities with jurisdiction over shoreline areas designated High Intensity to plan to meet future development needs for most water dependent uses in Island County.

**SHORELINE RESIDENTIAL**

**A. Purpose**

The primary purpose for designating an area Shoreline Residential is to allow for residential development and for moderate to high impact recreational uses in appropriate areas of the shoreline.

**B. Criteria for Designation**

1. Areas inside County-adopted rural areas of more intense development (RAIDs), if they are predominantly single-family or multifamily residential development or are planned and platted for residential development, but are not predominantly wetlands, stream corridor, or annually flooded.

2. Areas that are legally subdivided for residential use at a density of one or more units per acre and are not constrained by inadequate water supply or the inability to dispose of sewage due to soil conditions or lot sizes.

3. Areas developed with or planned for moderate to high impact recreational uses.

4. Areas that are within the Lagoon Point, Mariners Cove, and Sandy Hook developments should be designated Shoreline Residential – Canal Community.

5. Areas where the historic development pattern has resulted in intensive residential development may be designated Shoreline Residential or when existing residential structures are constructed thirty feet or less from the Ordinary High Water Mark, a designation of Shoreline Residential–Historic Beach Community should be assigned.

**C. Management Policies**

1. Consider bulk and scale limitations on residential redevelopment and infill to ensure compatibility within existing waterfront communities.

2. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking
into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

3. Commercial development should be limited to water-oriented uses.

4. Clustering of residential units should be encouraged in order to retain open areas within areas designated Shoreline Residential.

5. Multi-family residential, multi-lot (5 or more lots) and recreational developments should provide shoreline areas for joint use, and public access to the shoreline.

6. Shoreline residential developers should be required to attach a protective covenant for individual lot development indicating how the shoreline vegetation will be protected and erosion controlled.

7. Develop standards and procedures that recognize the unique character of areas designated Shoreline Residential – Canal Community, such as allowing for unified permitting for docks and stabilization, and establishing building setbacks and incentives that acknowledge, protect, and enhance the limited riparian vegetation in these locations.

8. Allow reduced marine buffers and setbacks for residential lots within a designated Shoreline Residential–Historic Beach Community.

AQUATIC

A. Purpose

The purpose of the Aquatic designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

B. Criteria for Designation

1. All saltwater areas waterward of the ordinary high water mark, including estuarine channels and coastal lagoons, other than those designated High Intensity.

2. All SMA jurisdiction freshwater lakes waterward of the ordinary high water mark.

C. Management Policies

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration. The size of new overwater structures should be limited to the minimum necessary to support the structure’s intended use.

2. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of overwater facilities should be encouraged.

3. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public
views, and to allow for the safe, unobstructed passage of fish, marine mammals, and birds, particularly those species dependent on migration.

4. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be permitted except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.

5. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

6. Preference should be given to those forms of development that involve lesser environmental and visual impacts. In general, projects or portions of projects that require no structures, submerged structures or minor intertidal structures should be given preference over those that involve substantial floating or surface structures.

7. Projects that involve little or no substrate modification should be given preference over those that involve substantial modification of the substrate.

8. Encourage cooperation between all State agencies, private persons, and corporations and public agencies responsible for implementing Shoreline Master Programs to insure a more compatible use of tidelands and bedlands.

9. Except for boat launches, disabled persons/emergency response vehicles, and authorized temporary use of construction equipment, motorized vehicular travel shall be prohibited on private and public tidelands.

10. Existing permitted boat ramps shall not be mapped as Aquatic designations. These facilities shall be mapped with the same designation as the adjoining uplands. The purpose of this mapping distinction is to allow protection, restoration, and improvement to existing boat launch facilities consistent with the goals of the SMA.
Chapter IV: Shorelines of Statewide Significance

PRINCIPLES AND DEVELOPMENT GUIDELINES

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance. Because these shorelines are major resources from which all people in the state derive benefit, Island County’s Master Program must give preference to uses that favor public and long-range goals of the state. Shorelines of statewide significance in Island County include those areas of Puget Sound lying seaward from the line of extreme low tide. Shorelines of statewide significance in Island County include those areas of Puget Sound lying seaward from the line of extreme low tide as well as the tidal shoreline adjacent to Skagit Bay from Brown Point to Yokeko Point.

Accordingly, the Act has established that Island County’s Master Program shall give preference to uses that meet the principles outlined below, in order of preference. Guidelines for ensuring that these principles are incorporated into the Master Program and adhered to in implementing the Act follow each principle:

1. **Recognize and Protect the Statewide Interest Over Local Interest.**

   **Development Guidelines:**
   a. Solicit comments and opinions from groups and individuals representing statewide interests by circulating the Master Program, Master Program amendments and requests for substantial development permits on shorelines of statewide significance to state agencies, adjacent jurisdictions, and local officials.
   b. Recognize and take into account state agencies’ policies, programs and recommendations in developing and administering use regulations.
   c. Solicit comments, opinions and advice on shoreline development from individuals with expertise in ecology, oceanography, geology, aquaculture and other scientific fields pertinent to shoreline management.

2. **Preserve the Natural Character of the Shoreline.**

   **Development Guidelines:**
   a. Designate and administer shoreline planning environments and use regulations to minimize manmade intrusions on shorelines.
   b. Upgrade and redevelop those areas where intensive development already exists in order to reduce their adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.
   c. Ensure that where commercial timber cutting is allowed, as provided in RCW 90.58.150, reforestation will be possible and accomplished as soon as practical.
3. **Result in Long-Term Over Short-Term Benefit.**

   **Development Guidelines:**
   a. Leave undeveloped those areas which contain a unique or fragile resource.
   b. In areas where erosion and sediment control practices will not be effective, excavations or other activities which increase erosion are to be severely limited.
   c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human uses.

4. **Increase Public Access to Publicly Owned Areas of the Shorelines.**

   **Development Guidelines:**
   a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines, public transit to popular shoreline accesses, and to developing upland parking to serve public access locations.
   b. Locate private development inland from public shorelines so that public access is enhanced.

5. **Increase Recreational Opportunities for the Public on the Shorelines.**

   **Development Guidelines:**
   a. Plan for and encourage development of facilities for recreational use of the shorelines.
   b. Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for non-motorized access to the shorelines.
Chapter V: Shoreline General Policies

The following general policies apply to all shoreline uses and modifications within all Shoreline Environment Designations.

A. Archaeological, Historic and Cultural Resources

1. Archaeological, historic and cultural sites and resources should be protected, preserved, and where feasible, restored. All use and development on sites containing these resources should be planned and carried out so as to minimize adverse impacts to the resource(s).

2. The County shall maintain a current inventory of all known and suspected historic and archaeological sites in cooperation with the state Office of Archaeology and Historic Preservation and, where applicable, officials from the affected Indian tribe. This inventory will be kept in a secure location and used by County staff only for the purpose of verifying the presence of an archaeological site on a subject property. The County shall update its inventory should any new archaeological site be discovered during development or otherwise, and shall forward or cause to be forwarded this information to the state Office of Archaeology and Historic Preservation and the affected Tribe when applicable.

3. To prevent adverse impacts on archaeological, historic and cultural sites and resources, proponents of all new shoreline use and development should consult Island County prior to beginning any shoreline project or activity. The County should ensure appropriate coordination, consistent with state and federal requirements, with affected tribal organization(s) and the State Department of Archaeology and Historic Preservation (DAHP) in the review of projects having potential impacts on archaeological sites.

4. When archeological, historic and cultural sites and resources occur on public lands they should be accessible to the public and used for research or educational purposes consistent with the public access provisions of this Program and applicable tribal access policies. Private owners of archeological, historic and cultural sites and resources are encouraged to provide access and educational opportunities when appropriate.

5. Where a proposed development is located on or near a known archaeological, historic or cultural site, the County should require the property owner or project proponent to engage a qualified professional archaeologist to investigate and report to the County upon the location, condition, extent of the site and any recommendations in regard to treatment. The affected Tribe’s comments on any findings and recommendations proposed by the archaeologist on behalf of the property owner or project proponent shall be attached to the report. The report shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology. A copy of the archaeologist’s report shall be provided to the affected Tribe and the DAHP.
6. No permit for an application requiring an archaeologist's report will be issued prior to the receipt by Island County of a required archaeological report. Based on the information contained in the written report of the qualified professional archaeologist, including the recommendations of the affected Indian Tribe on avoidance or mitigation of the proposed project's impacts obtained during the consultation process, the County will condition and balance project approval in a manner to avoid or minimize impacts to the site consistent with federal and state law. Avoidance and conservation of the site is the preferred treatment.

7. If, during the course of development, and particularly during actual construction, human remains or archaeological resources are encountered, the project should be immediately halted and the property owner or project proponent should be required to contact the affected Native American Tribe, the County and the DAHP.

B. Environmental Protection and Critical Areas

1. Maintain healthy, functioning ecosystems through the protection of ground and surface waters, marine shorelines, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species.

2. All developments and uses in the marine waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe unobstructed passage of fish and wildlife, particularly those species dependent on migration.

3. All proposed development in the shoreline should comply with Chapters 11.02 ICC, and 17.02A ICC, which shall be incorporated into the SMP by reference.

4. Establish protection standards for fish and wildlife habitat conservation areas within the shoreline, by establishing appropriate environment designations and buffer requirements, and by limiting development and use of the shoreline that could harm critical saltwater or freshwater habitat.

5. Shorelines that support unique or high value natural resource systems, critical saltwater habitat, associated wetlands, or areas of particular value for scientific research should be considered for the highest level of protection. In general these areas should remain in a natural undeveloped condition.

All shoreline use and development should be carried out in a manner that achieves no net loss of ecological functions; in assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.

Impacts to critical areas should first be avoided, and where unavoidable, minimized and mitigated to result in no net loss of ecological functions.

8. Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries and other endangered or threatened species and habitats.
9. Encourage the use of permanent open spaces, buffers, and best management practices for erosion control to retard surface and underground runoff for protection of the shoreline lands and waters.

10. The County should encourage innovative restoration strategies to provide for comprehensive and coordinated approaches to mitigating cumulative impacts and restoration rather than piecemeal mitigation.

11. Create incentives that will encourage enhancement of degraded shoreline riparian vegetation and removal or softening of shoreline stabilization structures.

C. Flood Hazard Reduction

1. The County should prevent the need for flood control works by limiting new development in flood-prone areas consistent with FEMA regulations and flood mapping.

2. All proposed development in the shoreline should comply with the County’s Flood Damage Prevention Ordinance (ICC 14.02A.010 through 050) and stormwater and surface water standards (Chapter 11.03 ICC).

3. New or expanding development or uses in the shoreline, including subdivision of land, that would likely require structural flood control works within a stream, channel migration zone, or floodway, or that would require new or expanded shoreline stabilization to prevent damage from coastal flooding, should not be allowed.

4. Flood control works should only be allowed in the shoreline if they are necessary to protect existing development and where non-structural flood hazard reduction measures are infeasible.

5. Flood control works to protect existing development should be permitted only when the primary use being protected is consistent with this Shoreline Master Program, and the works can be developed in a manner that is compatible with multiple use of streams and associated resources for the long term, including shoreline ecological functions, fish and wildlife management, or recreation.

6. When reviewing projects that could be affected by sea level rise adjust development standards such as building setbacks or elevation as necessary to minimize potential damage from flooding.

D. Public Access

1. Provide, protect, and enhance a public access system that includes both physical and visual access to shorelines; increases the amount and diversity of public access to the State’s shorelines and adjacent areas; improves the accessibility of existing publicly owned shorelines; relies primarily on publicly-owned access but also requires public
access for certain private developments; and is consistent with the shoreline character and functions, private property rights, and public safety.

2. In appropriate areas where intensive recreational uses have been established, such traditional uses should be protected from competing uses that could substantially impact and interfere with the historical and established uses.

3. To the greatest extent feasible, Island County should provide maps and signage as needed to facilitate appropriate use of shoreline public access.

4. Assure that public access is located, designed, and maintained in a manner that does not result in a net loss of shoreline functions.

5. Priority should be given to developing visual and pedestrian access to publicly owned uplands and beaches connecting to publicly owned tidelands.

6. Where practical, public access points should be linked with non-motorized transportation routes and served by public transit.

7. Developments, uses and activities should be designed and operated to avoid or minimize blocking, reducing, or detracting from the public's visual or physical access to the water and the shorelines.

8. Shoreline development by public entities or on publicly owned land should provide public access as part of each development project, unless such access is shown to be incompatible with the Master Program due to reasons of safety, security, or adverse impacts to shoreline functions and processes.

9. Non-water-dependent developments or subdivisions of land into five (5) or more parcels by private entities are encouraged to provide public access, unless such access is shown to be incompatible with the Master Program due to reasons of safety, security, or adverse impacts to shoreline functions and processes.

10. Public health and safety concerns associated with public access sites should be adequately mitigated and appropriate precautions taken to prevent adverse impacts on shoreline ecological functions and/or processes.

11. Efforts to implement public access requirements should be consistent with all relevant constitutional and other legal limitations on regulation of private property.

12. Public access requirements on privately owned lands should be commensurate with the scale and character of the development and should be reasonable, effective, and fair to both the landowner and the general public.

13. Maintain clear records of all public access points including public parks, public road ends, public tidelands, public easements, and other public properties designated for public access.
14. Public access that has been encroached upon or closed off by adjacent property owners shall be recovered and made accessible to the public. Structures that have been placed in public rights-of-way that provide public access should be removed.

15. Island County shall continue compiling, verifying, and mapping shoreline public access sites for an on-going inventory of Island County Shoreline Public Access Sites.

16. The County shall create a public access plan to be adopted as an element of the comprehensive plan.

E. Shoreline Vegetation Conservation

1. New uses and developments should be designed to preserve native shoreline vegetation to maintain shoreline ecological functions and processes and prevent direct, indirect, or cumulative impacts of shoreline development.

2. New uses and developments should establish native shoreline vegetation such that the composition, structure, and density of the plant community resemble a natural, unaltered shoreline as much as possible.

3. In the Natural shoreline environment designation, do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. Each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

4. Limit removal of native vegetation to the minimum necessary to accommodate shoreline development.

5. Restrict native vegetation removal within shoreline jurisdiction in order to maintain shoreline functions, including protection of habitat and shoreline bluffs.

6. Maintaining well-vegetated shorelines is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that creating an unobstructed view of the water will be allowed. Trimming and pruning are generally preferred over removal of native vegetation.

7. Property owners should be encouraged to avoid or minimize the use of fertilizers, herbicides, and pesticides.

8. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat.
9. Non-native vegetation that requires use of fertilizers, herbicides, or pesticides is discouraged.

10. Property owners should be encouraged to control or eradicate non-native invasive weeds while minimizing adverse environmental impacts when doing so.

F. Water Quality and Quantity

1. Water quality and surface water quantity should be protected to ensure safe and adequate water supplies, prevent net loss of shoreline ecological functions, and preserve aesthetic qualities and recreational opportunities.

2. The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long term.

3. Shoreline use and development should be designed to minimize the need for chemical fertilizers, pesticides, herbicides or other similar chemical treatments that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions and values.

4. Appropriate buffers should be provided along all wetlands, streams, lakes, and marine water bodies and should be maintained in a manner that avoids the need for chemical treatment.

5. Potential adverse effects of agricultural activities on water quality should be minimized by implementing best management practices, buffers and other appropriate measures.

6. Effective erosion control and water runoff treatment methods should be provided for all shoreline development and use in accordance with Island County best management practices.

7. Encourage pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such practices could reduce stormwater runoff and would not increase the risk of slope instability or erosion.
G. Sea Level Rise

1. Continue to connect shoreline property owners and developers with current sources of information on sea level rise in Island County.

2. Encourage shoreline property owners and developers to consult and utilize current sources of information on sea level rise and guidance in their development planning processes.

3. Provide, as possible, educational opportunities on sea level rise planning and best management practices for shoreline property owners and developers.

4. Monitor the impacts of sea level rise within densely developed coastal bluff communities and Shoreline Residential Historic Beach and Canal Communities to assess the adequacy of established shoreline regulations under such changing conditions.
Chapter VI: Policies for Shoreline Uses

The following shoreline use policies implement the broad goal and policy statements of the shoreline master program elements. These general use policies apply to proposed uses in the shoreline jurisdiction by providing a more defined policy basis to direct both regulatory and non-regulatory actions and decisions.

A. Agriculture

1. Agriculture is an important economic activity in Island County. Consistent with WAC 173-26-241(3)(a)(ii), this Shoreline Master Program should not modify or limit ongoing agricultural activities occurring on agricultural lands within shoreline jurisdiction.

2. Agricultural uses and development proposed on land not currently in agricultural use, and conversion of agricultural lands to non-agricultural uses, should conform to this shoreline master program.

3. Agricultural use and development should be managed to:
   a. Prevent livestock intrusion into the water;
   b. Control runoff;
   c. Prevent water quality degradation caused by manure, fertilizer, biological pollutants, or agricultural chemicals;
   d. Avoid clearing of riparian areas;
   e. Prevent bank erosion; and
   f. Assure no net loss of ecological functions.

4. Buffer zones of permanent vegetation should be maintained between tilled areas and associated water bodies to reduce surface runoff and siltation. The width of the native vegetation zone may vary depending on site conditions in accordance with critical area regulations, with the overall goal being to limit clearing of riparian corridors and to provide mitigation measures where clearing is necessary.

5. Medium or large animal feeding operations are not allowed within 200 feet of the ordinary high water mark unless effective mitigation measures are employed.

6. Soil erosion control measures, implementing Natural Resources Conservation Service (NRCS) standards and practices, such as crop rotation, mulching, strip cropping, and contour cultivation should be encouraged on lands contiguous to Island County shorelines.

7. NRCS best management practices should be utilized to protect the shoreline ecosystem from adverse impacts of agricultural chemicals.
B. Aquaculture

1. Aquaculture is a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Island County.

2. The County should support aquaculture uses and developments which result in long-term over short-term benefit, protect the resources and ecology of the shoreline and are consistent with control of pollution and prevention of damage to the environment.

3. Aquaculture should not be allowed in areas where it would result in a net loss of ecological functions, or pose a threat to wild salmonids by degrading water quality, sea floor health, or potentially act as disease or parasite sources, or which, if the farmed organisms escape, may successfully reproduce and compete with native species.

4. Aquaculture districts were established in Island County in the 1980’s for the purpose of managing aquacultural use and resources; however, in practice the districts have not facilitated better resource management. Therefore, the aquaculture districts have been abolished and aquaculture shall be managed consistent with policies, regulations, and performance standards established in this Shoreline Master Program.

5. In considering the suitability of sites for proposed aquaculture, factors such as tidal currents, dissolved oxygen, water temperature, and depth shall be evaluated in addition to the presence of critical saltwater habitat.

6. Intensive residential uses, other industrial and commercial uses, and uses that are unrelated to aquaculture should be located so as not to create conflicts with existing aquaculture operations.

7. The County shall adopt a prohibition on new commercial fin fish net pen aquaculture operations to provide time for updated guidance on addressing the protection of ecological functions and use conflicts. The County will revisit policies and regulations regarding marine fin fish net pens to address new guidance during the scheduled periodic reviews of this program under RCW 90.58.080.

8. Existing aquaculture areas should be protected from water quality degradation that may be caused by any marine or upland project. In instances where such degradation is anticipated, mitigation measures should be required to protect the aquaculture site and should be part of the approval of the marine or upland project.

C. Beach Access

1. Beach access structures should be located, designed, and maintained in a manner that minimizes adverse impacts on shoreline ecology.

2. Neighboring property owners are encouraged to propose beach access structures in appropriate locations for shared use.
3. Beach access structures shall not be permitted until and unless their adverse effects on lake or marine shoreline functions and processes, including any significant adverse effects on adjoining lands and properties, are fully evaluated and mitigated.

4. Beach access structures may not be appropriate in some areas because of safety hazards or sensitive ecological conditions. The County should not permit these structures in areas where there are expected risks to human health and safety or adverse effects on shoreline functions and processes. Some properties will have view-only access to the neighboring waters.

5. In order to protect the aesthetics of Island County shorelines, the natural habitat forming flow of sediments from bluff to beach, and to reduce risks to human health, safety, and residential structures, beach access structures shall be prohibited on bluffs identified as exceptional feeder bluffs and geologically hazardous slopes within the setback or buffer zones.

6. Beach access structures should conform to the existing topography, minimize adverse impacts on shoreline aesthetics, and minimize clearing and grading to the maximum extent feasible.

7. Beach access structures shall not be allowed if there is a reasonable likelihood that they will require erosion control structures or armoring in the future.

8. Beach access structures should be designed to minimize the amount of clearing, grading, excavation, and other forms of shoreline alteration so that they don’t require substantial bank or slope modifications.

9. Beach access structures should only be allowed where it provides access to a publicly owned beach or where the same party owns both the uplands and adjoining tidelands or an easement is granted by the tideland owner to the upland owner for access.

10. New subdivisions and non-residential development with bluffs greater than 10 feet in height in the Rural Conservancy designation should be required to provide for community or public access where feasible. New non-residential development does not include remodeling, reconstruction due to natural disaster, minor expansions to the use or minor structural modifications and additions. Public or community beach access on banks lower than 10 feet in height may be allowed for single-family residences by means of a low impact trail.

D. Boating Facilities

1. Boating facilities should be located, designed, constructed, and operated with appropriate mitigation to assure that there will be no net loss of shoreline functions and processes and to prevent conflicts with other allowed uses.

2. Marinas and boating facilities should be located and designed in a manner that is compatible with adjacent land uses and avoids damage to fish and shellfish resources.
3. All new marinas and boating facilities should be developed consistent with Washington State Department Ecology, Fish and Wildlife and Natural Resources requirements and guidelines.

4. Long term moorage should not be allowed in areas adjacent to shellfish beds, commercial aquaculture, or shallow water embayments with poor flushing action.

5. The County should protect the natural character of the shoreline and prevent adverse ecological impacts caused by in-water and overwater structures by controlling how they are designed, constructed, and where they are located.

6. Encourage the installation of new technology and materials which conserve space, are less damaging to the environment, and are more efficient.

7. Public and community boat launches are preferred over private launch facilities.

8. New enclosed or covered moorages and boathouses should be prohibited.

9. Special attention shall be given to the design and development of operational procedures for the handling and storage of fuel in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

10. Live-aboard vessels are not allowed anchored at moorage buoys and should only be permitted where adequate marina facilities exist to prevent impacts to water quality.

11. Boating facilities associated with commercial, industrial, or port uses, residential subdivisions of five (5) lots or more and multi-family housing should include public access and contribute to the public's ability to view, touch, and travel on the waters of the state.

12. On those shoreline areas where public access and recreation occurs, the recreational use of motorized personal watercraft (e.g., jet skis) which are accompanied by loud, persistent and nearshore noise and distraction should not be allowed unless specifically permitted. It shall not be permitted if public use of an area is predominantly of a passive nature such as swimming areas, picnicking, wildlife viewing and interaction or beach walking.

E. Commercial

1. Commercial uses and development should be located, designed, constructed and operated in a manner that result in no net loss of shoreline ecological functions.

2. First priority should be given to those commercial uses which are determined to be water-dependent uses; second priority should be given to water-related and water-enjoyment uses that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.
3. Non water-oriented uses should be prohibited in the shoreline unless they are part of a mixed-use development, navigability is severely limited or the use provides a significant public benefit with respect to the Shoreline Management Act’s objectives.

4. Subdivision of lands zoned for commercial uses should only be permitted where it can be demonstrated that development resulting from the subdivision will not interfere with or preclude water-dependent commercial uses or restoration activities.

5. Commercial uses shall provide public access to the shoreline. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and water-dependent commercial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property.

6. New commercial development on shorelines generally is encouraged to locate in areas where current commercial uses exist.

7. Parking facilities should be placed inland from immediate water’s edge and recreational beaches.

8. An assessment should be made of the effect that a commercial structure will have on a scenic view significant to a given area.

9. Commercial development should not be allowed in the Natural or Rural Conservancy shoreline environment designations.

F. Forest Practices

1. Allow only selective commercial timber cutting so that no more than 30 percent of the merchantable trees may be harvested in any ten year period of time provided; that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions of silviculture practices necessary for regeneration render selective logging ecologically detrimental.

2. Forest practices in shorelines should occur in a manner as to result in no net loss of shoreline ecological functions.

3. Seeding, mulching, matting, and replanting should be accomplished where necessary to provide stability on areas which have been logged. Replanted vegetation should be of a similar type and concentration as existing in the general vicinity of the logged areas.

4. Logging and thinning operations within the County’s shoreline jurisdiction should be conducted in a safe manner with minimum impact to the environment and to neighboring properties.

5. Shoreline areas having scenic qualities such as those providing a diversity of views, unique landscape contrasts or landscape panoramas should be maintained as scenic views in timber harvesting areas.
6. Logging should be avoided in shorelines with slopes of such grade that large sediment runoff will be precipitated unless adequate restoration and erosion control can be expeditiously accomplished.

7. Logging and clearing shall be designed to protect the adjacent shoeland from erosion, uncontrolled drainage, slides, pollution, excavations, fills and other adverse impacts.

8. Offshore log storage should only be allowed on a temporary basis where natural tidal or current flushing and water circulation are adequate to disperse polluting waste and dredging would be avoided.

G. Industry

1. Industrial development should be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

2. Industrial development should only be allowed in the Aquatic and High Intensity designations.

3. The design, construction, operation and maintenance of pipelines carrying hazardous materials and petroleum products in liquid form must conform to all regulations established by the United States Department of Transportation.

4. In order to prevent spills and other forms of pollution, owners and operators of facilities engaged in storing, transferring, distributing, and/or consuming oil shall conform to established procedures, methods, and equipment set forth by statutory and other requirements of the United States Environmental Protection Agency and the State Department of Ecology.

5. No drilling, processing, or refining of petroleum shall be permitted within 2,000 feet of the shorelines of Island County.

6. Waste treatment ponds for water-dependent industry should not be located within shoreline jurisdiction.

7. As noted in the County Comprehensive Plan’s Mineral Lands Overlay and Map E, there are no known areas of the shoreline that are needed for the long-term extraction of sand, gravel, or that have valuable metallic substances that could potentially be extracted. In addition, the extraction of minerals from shoreline represents an inherent risk to shoreline ecological functions. Therefore, mining should be a prohibited use in all shoreline designations.

8. Water-dependent industrial uses should be given priority in areas designated for industrial uses; second preference should be given to water-related industrial uses over non-water-oriented industrial uses.
9. Industrial and port development should be visually compatible with adjacent non-commercial properties.

10. Industrial development shall incorporate public access as mitigation for impacts to shoreline resources. Where public access cannot be provided in a manner that would avoid significant interference with operations or hazards to life or property, a mitigation plan or bank for off-site access could be implemented and adopted by Island County.

11. Waterfront industrial areas should be designed to allow cooperative use of docking, parking, cargo handling, and storage facilities.

H. Recreation

1. Preserve regionally scarce and fragile natural resources when developing recreational uses.

2. Water-oriented recreational uses should be given priority for access to and use of the water.

3. Selected publicly owned tidelands that have not been withdrawn for governmental or aquacultural uses should be considered for recreational development.

4. In appropriate areas where intensive fishing uses have been established, every effort should be made to protect these traditional uses from competing uses which would substantially impact and interfere with the historical and established uses.

5. Encourage the development of public recreational clam or oyster harvest areas on public second class tidelands.

6. Recreational use and development shall be designed, constructed and operated in a manner facilitates appropriate use of shoreline resources and does not result in a net loss of shoreline ecological functions and is compatible with the surrounding properties.

7. Linkages between shoreline parks, recreation areas and public access points with linear systems (e.g., water trails, hiking paths, bicycle paths, easements, or scenic drives) should be provided where feasible.

8. Recreation facilities should incorporate adequate orientation information and public education regarding shoreline ecological functions and processes, the effect of human actions on the environment and the importance of public involvement in shoreline management. Opportunities to incorporate educational and interpretive information should be pursued in design and operation of recreation facilities and other amenities such as nature trails.

9. Provide for recreational development within shorelines of statewide significance, which will produce long-term benefits to all Island County and State citizens.
10. Encourage the use of street ends and publicly owned lands for shoreline public access, development of recreational opportunities and scenic view points.

11. Seek to recover for public use accesses that have been encroached upon or closed off by adjacent property owners.

12. Prioritize the acquisition of privately owned shorelands or improvement of publicly owned shorelands, with high value for recreation, before other development makes such action impossible.

13. Encourage innovative and cooperative techniques among public agencies and private parties in planning recreational opportunities.

14. Publicly owned bedlands abutting upland parks should be given consideration for underwater parks.

I. Residential

1. Residential development shall protect existing shoreline and water views, promote public safety, avoid adverse impacts to marine bluffs and nearshore habitat and not result in a net loss of shoreline ecological functions.

2. Single-family residential development, accessory dwellings, and beach access structures should only be allowed in the Natural designation as a shoreline conditional use if the density and intensity is limited to protect shoreline ecological functions.

3. All residential use and development should prevent cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, introduction of pollutants, and vegetation clearing.

4. New development located at the top of bluffs in shoreline jurisdiction should be set back to ensure that shoreline stabilization would not be necessary for the life of the structure as determined by a geotechnical analysis.

5. New residential development should be designed and located to preclude the need for vegetation removal to the greatest extent feasible.

6. Residential lots should be designed, configured and developed to ensure that no net loss of ecological functions and processes occur even when all lots are fully built out.

7. All new or expanded shoreline residential development should be designed to avoid the need for new or expanded structural shore armoring or bulkheads or other types of shore defense works.

8. Residential subdivisions of five (5) or more lots are encouraged to provide public access to the shoreline at intervals of every four parcels or 150 feet whichever is greater in terms of shoreline frontage feet.
9. Residential development over water, including floating homes, should be prohibited.

10. Houseboats and other liveaboard vessels should be located in approved marinas, where they must meet all local waste disposal practices, local and state health regulations, and not be allowed to locate over productive fish food areas.

11. Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion both during construction and after completion.

12. Dumping of yard waste over shoreline bluffs or at road ends should not be allowed.

13. Sewage disposal facilities as well as water supply facilities must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.

14. Accessory structures such as decks and stairways should be designed and constructed to avoid adverse impacts to geologically hazardous areas.

15. Accessory structures that are not normal appurtenances should be proportional in size to the residence and compatible with onsite and adjacent structures, uses and natural features.

16. Natural vegetation should be retained to the extent feasible, except for limited removal allowed for view enhancement, removal of hazardous, diseased or damaged trees when they pose a threat to a primary structure or appurtenance, and to allow for pedestrian waterfront access. The following factors should be considered when removal of vegetation is proposed:
   a. View corridors and vistas should be incorporated into building and site design.
   b. Encourage building and site designs which frame views and vistas.
   c. Preserve trees as a part of the view. Panoramic views are not necessarily void of trees.
   d. Thinning and limited pruning of trees to preserve existing views is encouraged as an alternative to removal.

17. Stairs and ramps to the beach should be designed and located so that no fill or other modification waterward of the ordinary high water mark is necessary to construct or use the structure.

18. Stairways, ramps, and landings should be located upland of existing bulkheads.

19. Whenever possible, non-regulatory methods to protect, enhance, and restore shoreline ecological functions should be encouraged for residential development.

J. Signs

1. Off-premise outdoor advertising signs should be limited to areas of more intensive land use such as commercial and industrial areas.
2. Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs. Only signs that impart historical or directional information and are of limited size and height should be allowed.

3. When feasible, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

K. Transportation

1. Proper road and bridge design, location, construction, and maintenance practices should be used to prevent development of roads and structures that would adversely affect shoreline resources.

2. Design and construction of public roads should be consistent with County adopted land use plans, preserve aesthetic qualities of shorelands, and take into consideration the following:
   a. Major new roads and parking areas should be located outside of shoreline jurisdiction whenever feasible.
   b. All construction should be designed to protect the adjacent shorelands against erosion, uncontrolled drainage, slides, pollution, excessive excavations and fills and other factors detrimental to the environment.
   c. Scenic corridors with public roadways should provide for safe pedestrian and other non-motorized travel, and sufficient viewpoints, rest areas and picnic areas in public shorelines.
   d. Loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure bypass routes.
   e. Encourage joint use of transportation corridors within shoreline jurisdiction for roads, utilities, and non-motorized forms of transportation.

3. New transportation facilities should be designed and located to minimize the need for:
   a. Structural shoreline protection measures;
   b. Modifications to natural drainage systems; and
   c. Waterway crossings.

4. Maintenance and repair of existing roads in shoreline jurisdiction shall use all reasonable methods to minimize adverse impacts on nearby shorelines.

5. Planning for transportation and circulation corridors shall consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.

6. Pedestrian trails and bicycle paths along shorelines are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.
7. Coordinate with Island Transit to provide bus service to beach public access points where feasible.

8. Parking as a stand-alone use should be prohibited. Parking in shoreline areas should be limited to that which directly serves a permitted shoreline use or public shoreline access and located as far away from the OHWM as possible.

L. Utilities

1. Design, locate and maintain utilities to assure no net loss of ecological functions.

2. Utilities should be located outside of shorelines whenever feasible, unless necessary to serve shoreline uses.

3. Whenever utilities must be placed in a shoreline area, the location should be chosen so as not to obstruct or degrade scenic views.

4. Whenever feasible, utilities should be placed underground.

5. Upon completion of utility installation or maintenance projects within shoreline areas, disturbed sites should be restored to pre-project configuration, replanted with native species and maintenance care provided until the newly planted vegetation is established.

6. Sewage treatment, water reclamation, desalinization and power plants should be located where they do not interfere and are compatible with recreational, residential, or other public uses of the water and shorelands.

7. Wave- and tidal-based energy generation facilities should be allowed only if they are of small enough scale and carefully designed and sited to ensure no net loss of shoreline ecological functions and are compatible with the surrounding land uses. Ensure that if the facility fails or is no longer used, the entire facility will be removed and the site rehabilitated.

8. Development of underwater pipelines and cables on first- and second-class tidelands will be discouraged except where adverse environmental impacts can be shown to be less than the impact of upland alternatives, and when permitted will include proper provisions to insure against substantial or irrevocable damage to the environment.
Chapter VII: Policies for Shoreline Modifications

Shoreline modification activities are generally construction actions undertaken in preparation for, or in support of, a shoreline use. Typical modifications to Island County shorelines include dredging, piers and docks, groins and jetties, bulkheads, and dikes.

A. Shoreline Stabilization

1. New development should not be allowed if it would foreseeably create a need for shoreline stabilization measures within the life of the development.

2. New and replacement activities should consist of the softest measure that will protect existing uses and proposed development.

3. The creation of new parcels that would foreseeably require shoreline stabilization for development to occur should be prohibited.

4. An existing shoreline stabilization structure may be replaced with a similar structure only if a demonstration of need to protect the primary structure from shoreline erosion caused by tidal action, currents, or waves.

5. The County shall require sufficient analysis by qualified professionals with the expertise to document the impacts of shoreline modification proposals. Such analysis may include, but not be limited to, geotechnical, hydrological, and biological studies, and should include an analysis of drift cells.

6. A geotechnical analysis should evaluate on-site drainage issues before considering structural shoreline stabilization.

7. Non-structural measures to avoid the need for shoreline stabilization, including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over structural shoreline armoring.

8. Non-structural or soft-shore bank stabilization techniques are preferred over structural shoreline stabilization, such as bulkheads, seawalls, and breakwaters.

9. Structural shoreline armoring should only be permitted when necessary to support:
   a. An existing primary structure associated with an approved shoreline use or development where the structure is in imminent danger of damage due to shoreline erosion that cannot be avoided by other means;
   b. A permitted water dependent use;
   c. A project for restoration or enhancement of ecological functions, or
   d. Public infrastructure or essential public facilities when other alternatives are infeasible.
10. Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property or creating or preserving residential lawns, yards or landscaping should not be allowed, except when employing soft shore stabilization techniques to replace existing hard armoring.

11. New bulkheads should be prohibited if they are proposed to be located seaward of the ordinary high water mark.

12. Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.

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

14. When necessary, riprap and other bank stabilization measures should be located, designed, and constructed so as to avoid the need for future shoreline stabilization and to protect the natural character of the shoreline.

15. Shore protection measures should be designed and constructed so as to minimize interruption to naturally occurring shoreline processes, such as sediment movement and marine and wildlife habitat functions.

16. Shoreline protection measures such as bulkheads, dikes, jetties, or groins should not be permitted on spits, hooks, bars, barrier beaches or similar accretion shoreforms, except when it can be demonstrated that construction of the above shore protection measures are necessary for the protection of existing structures.

17. Shore protection measures should not be permitted on marine feeder bluffs, except when it can be demonstrated by a professional engineer or geologist that construction will not seriously disrupt the upland feeding action or the littoral drift or is necessary for the protection of existing primary structures.

18. Bulkheads, seawalls and other structural shoreline armoring should be located and constructed in such a manner which will not result in a net loss of shoreline functions or adverse effects in nearby beaches and will minimize alterations of the natural shoreline.

19. Bulkheads and seawalls should be constructed in such a way as to minimize damage of fish habitats. Open-piling construction is preferable to solid types.

20. Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shorelines.

21. State Department of Fish and Wildlife guidelines concerning the construction of bulkheads.
22. Provide incentives for replacement of structural shoreline stabilization with non-
structural shoreline stabilization to restore degraded shore environments and where
necessary for the protection of septic systems and drainfields along the shoreline. Non-
structural alternatives may include drift logs, gravel berms, vegetative stabilization, beach
enhancement (nourishment), and other methods.

23. Rigorously enforce stormwater management regulations upstream from shoreline areas to
ensure that increased runoff does not contribute to shoreline erosion.

24. Encourage appropriate innovative low impact stormwater management methods,
especially on high bluff shorelines, to minimize increases in erosion due to development.

25. Allow limited fill in marine shorelines where the fill is part of soft shoreline stabilization
that is replacing hard armoring.

B. Moorage Facilities

1. Moorage associated with a single-family residence is considered a water-dependent use
provided it is designed and used as a facility to access watercraft when nearby moorage
facilities are not available or feasible.

2. Moorage for water-related and water-enjoyment uses should be allowed only as part of a
mixed use development and should include public access.

3. Moorage facilities should be located, designed, constructed, and operated with
appropriate mitigation to avoid adverse effects on shoreline functions and processes,
including currents and littoral drift, and to prevent conflicts with other allowed uses.

4. Shallow draft uses, such as marinas, will be preferred over deep draft uses in areas
requiring extensive maintenance dredging.

5. To minimize the impacts associated with private docks, piers, floats, boat lifts, and launch
ramps and rails accessory to residential development:
   a. Mooring buoys are generally preferred over docks, piers or floats;
   b. Shared boating facilities serving multiple properties are preferred over facilities
      serving only a single property or parcel;
   c. Public boat launches are preferred over private launch facilities;
   d. Rail and track launch systems are preferred over ramps.

6. Multiple use and expansion of existing facilities are preferred over construction of new
individual docks and piers except for existing waterfront, residential communities that
were designed with private docks on man-made canals (i.e., Mariners Cove, Lagoon
Point, and Sandy Hook).

7. Joint use of recreational piers and docks on state owned aquatic lands is encouraged
consistent with the Washington State Department of Natural Resources criteria.
8. Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating, as well as private riparian rights of adjacent land owners.

9. Docks and piers should not be allowed where shallow depths require excessive overwater pier length or dredging.

10. Moorage should be restricted to the minimum size necessary to meet the needs of the proposed use. The length and width of piers and docks should be no greater than that required for safety and practicability for the primary use.

11. Shoreline resources and water quality should be protected from overuse by boaters living on vessels (live-aboards). Boaters living on vessels should be restricted to established marinas with facilities to address waste handling and other sanitary services. Mooring buoys shall not be used to anchor live-aboard vessels.

12. Vessels should be restricted from extended mooring on waters of the state unless authorization is obtained from the DNR and impacts to navigation and public access are mitigated.

13. Piers and docks shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

14. New pier and dock development should be designed so as not to interfere with lawful public access to or use of shorelines. Developers of new piers and shared moorage should be encouraged to provide physical or visual public access to shorelines whenever safe and compatible with the primary use and shore features.

15. In providing for moorage facilities, the County should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats, including gas and oil spillage.

C. Landfill and Excavation

1. Filling and excavation should only be allowed waterward of the ordinary high water mark when alternatives are infeasible and when the filling or excavation is:
   a. Necessary to support an approved water-dependent use or essential public facility; or
   b. Part of an approved ecological restoration or enhancement project; or
   c. For soft-shore stabilization; or
   d. Part of an approved aquaculture operation when the fill is required to improve production; or
   e. Part of an approved beach nourishment project; or
   f. Required to provide public access for a substantial number of people.

2. The extent of landfill and excavation allowed should only be the minimum necessary to accommodate an approved shoreline use or development and with assurance of no net
3. Shoreline fills or cuts should be designed and located so that significant damage to shoreline ecological functions or natural resources or alteration of local currents or littoral drift will not occur, resulting in the creation of a hazard to adjacent property, life, and natural resource systems.

4. Fill materials should be of such quality that they will not cause undue degradation of water quality.

5. In evaluating fill or excavation for water-dependent uses and for public access projects and in designating areas appropriate for fill and excavation, such factors as total water surface reduction (on lakes), navigation restriction, impediment to water flow and circulation, impediment to sediment movement, reduction of water quality, and destruction of habitat should be considered.

6. Filling in flood plain areas should not be allowed if reduction of flood water storage capacity might endanger other areas.

7. Filling and excavation should not be allowed where structural shoreline stabilization would be required to maintain the materials placed or excavated.

8. Beach material from tidelands and beds should generally not be used to backfill bulkheads and seawalls.

9. When filling on tidelands is permitted, provisions to stabilize fill material will be required.

10. Sanitary landfills and the disposal of solid waste should be prohibited within the shoreline jurisdiction.

D. Dredging

1. Dredging of bottom materials for the single purpose of obtaining fill should be prohibited except when the material is necessary to restore ecological functions associated with a Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration project.

2. Any allowed dredging should include measures to mitigate impacts to existing shoreline ecological functions and natural resources of both the area to be dredged and the area for deposit of dredged materials to achieve no net loss of shoreline functions.

3. New development should be sited and designed to avoid or, where avoidance is not possible, to minimize the need for new maintenance dredging.
4. Shoreline vegetation that is disturbed by dredging projects shall be replanted and restored to pre-project configuration, or otherwise mitigated if replanting would not be viable.

5. Dredging operations should minimize interference with navigation and adverse impacts to other shoreline uses, properties and values.

6. Dredging and dredge disposal should be consistent and coordinated with appropriate local, state and federal regulations to minimize duplication during the review process.

E. Breakwaters, Jetties and Groins

1. Breakwaters, jetties and groins should be permitted only for water-dependent uses when the benefits to the region outweigh local resource losses and restrictions on public navigation resulting from such works, and only where mitigated to provide no net loss of shoreline ecological functions and processes.

2. Floating breakwaters are preferred to solid landfill types in order to maintain sediment movement and nearshore habitat.

3. Solid breakwaters shall be constructed only where design modifications can eliminate potentially detrimental impacts on the movement of sediment and circulation of water.

4. Jetties and groins should be discouraged and allowed only as a conditional use in conjunction with an approved water-dependent use.

F. Ecological Restoration

1. Ecological restoration activities are encouraged in all shoreline environments and are considered to be consistent with all uses including residential, commercial, and industrial, provided they are designed appropriately.

2. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted toward meeting the needs of endangered, threatened, and regionally important plant, fish, and wildlife species and habitats.

3. Restoration should be integrated with and should support other natural resource management efforts in Island County and in the Puget Sound region.

4. When prioritizing restoration actions, the County should give highest priority to measures that have the greatest chance of reestablishing ecosystem processes and creating self-sustaining habitats.
3 Shoreline Management

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Exhibit C
Amendments to the Island County Shoreline Environment Designation Map
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Site: 2

From: No Designation
To: Natural

Proposed Shoreline Designations

- Aquatic
- Natural

Reason:
The site visit determined that the coastal lagoon is a jurisdictional waterbody. Salinity reading of 20.0 ppt confirms tidal influence in the lagoon. Other indicators include salt burn on vegetation and salt tolerant plants.
Current Shoreline Designations
- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Proposed Shoreline Designations
- Aquatic
- Natural

Site: 2
From: Natural
To: Aquatic

REASON:
The site visit determined that coastal lagoon is a jurisdictional waterbody. Salinity reading of 20.0 ppt confirms tidal influence in the lagoon. Other indicators include salt burn on vegetation and salt tolerant plants.
**Current Shoreline Designations**

- **Aquatic**
- **Natural**
- **Rural Conservancy**
- **Shoreline Residential**

---

**Site: 2**

**From:** Shoreline Residential

**To:** Aquatic

**Proposed Shoreline Designations**

- **Aquatic**
- **Natural**

**REASON:**

Site visit determined that coastal lagoon is a jurisdictional waterbody. Salinity reading of 20.0 ppt confirms tidal influence in the lagoon. Other indicators include salt burn on vegetation and salt tolerant plants.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy

Site: 3
From: Rural Conservancy
To: No Designation

Proposed Shoreline Designations
- No Designation

Reason:
Wetlands and ditches north of SR-20 were determined not to be jurisdictional shoreline waterbodies but are associated wetlands due to proximity to Puget Sound. It is possible that other drainage features or wetlands exist.
Site: 4

From: No Designation
To: Shoreline Residential

Reason:
Site visit confirmed salt marsh meets wetland criteria and is a jurisdictional shoreline waterbody. Extensive log piles have accumulated from storm surges, while recent deposition of drift deposits and wrack is evident.
Site: 4

From: Rural Conservancy
To: Shoreline Residential

Reason:
Site visit confirmed salt marsh meets wetland criteria and is a jurisdictional shoreline waterbody. Extensive log piles have accumulated from storm surges, while recent deposition of drift deposits and wrack is evident.
Current Shoreline Designations

Aquatic
Natural
Rural Conservancy
Shoreline Residential

Site: 4

From: No Designation
To: Natural

REASON:
Site visit confirmed salt marsh meets wetland criteria and is a jurisdictional shoreline waterbody. Extensive log piles have accumulated from storm surges, while recent deposition of drift deposits and wrack is evident.
Site: 4

From: Natural
To: Aquatic

**REASON:**
Site visit confirmed salt marsh meets wetland criteria and is a jurisdictional shoreline waterbody. Extensive log piles have accumulated from storm surges, while recent deposition of drift deposits and wrack is evident.
Current Shoreline Designations
- Aquatic
- Natural
- Rural Conservancy

Site: 5
From: Natural
To: Aquatic

Proposed Shoreline Designations
- Aquatic
- Rural Conservancy

REASON:
Salinity measurements confirmed the wetland is a jurisdictional shoreline waterbody.
Site: 5

From: No Designation
To: Rural Conservancy

REASON:
Salinity measurements confirmed the wetland is a jurisdictional shoreline waterbody.
Current Shoreline Designations

- **Aquatic**
- **Natural**
- **Rural Conservancy**
- **Shoreline Residential**

**Site: 6**

From: Rural Conservancy

To: Aquatic

**Reason:**
Salinity measurements confirmed the wetland is a jurisdictional shoreline waterbody.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Site: 8

From: Shoreline Residential
To: Aquatic

REASON:
Salinity measurements confirmed the wetland is a jurisdictional shoreline waterbody.

Proposed Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential
Current Shoreline Designations

- Blue: Aquatic
- Green: Natural
- Purple: Rural Conservancy
- Yellow: Shoreline Residential

Proposed Shoreline Designations

- Blue: Aquatic
- Green: Natural
- Purple: Rural Conservancy
- Yellow: Shoreline Residential

Site: 8

From: Natural
To: Aquatic

REASON:
Salinity measurements confirmed the wetland is a jurisdictional shoreline waterbody.
Site: 9

From: No Designation
To: Natural

REASON:
A site visit determined the large brackish wetland transitions from saline to freshwater with a tide gate connecting to Puget Sound. The remaining wetland would be associated. The extent of saltwater influence likely extends farther west.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Proposed Shoreline Designations

- Aquatic
- Natural
- Shoreline Residential

Site: 9

From: No Designation
To: Shoreline Residential

REASON:
A site visit determined the large brackish wetland transitions from saline to freshwater with a tide gate connecting to Puget Sound. The remaining wetland would be associated. The extent of saltwater influence likely extends farther west.
Site: 9

**Current Designation**

Aquatic
Natural
Rural Conservancy
Shoreline Residential

**Proposed Designation**

Aquatic
Natural
Shoreline Residential

**Site:** 9

**From:** Natural

**To:** Aquatic

**REASON:**
A site visit determined the large brackish wetland transitions from saline to freshwater with a tide gate connecting to Puget Sound. The remaining wetland would be associated. The extent of saltwater influence likely extends farther west.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Proposed Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Site: 12
From: No Designation
To: Natural

REASON:
Aerial photography indicates the presence of a channel in wetlands behind a berm/dike; the channel is likely tidally influenced. East of the berm, tidal channels and associated saltmarsh strongly indicate tidal influence.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Proposed Shoreline Designations

- Aquatic
- Natural
- Shoreline Residential

**Site: 13**

*From: No Designation*

*To: Shoreline Residential*

**REASON:**

Aerial photography indicates the presence of a channel in wetlands behind a berm/dike; the channel is likely tidally influenced. East of the berm, tidal channels and associated saltmarsh strongly indicate tidal influence.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Site: 13

From: Natural
To: Aquatic

REASON:
Aerial photography indicates the presence of a channel in wetlands behind a berm/dike; the channel is likely tidally influenced. East of the berm, tidal channels and associated saltmarsh strongly indicate tidal influence.
Current Shoreline Designations

- **Aquatic**
- **Natural**
- **Shoreline Residential**

**Site: 15**

**From:** Natural

**To:** No Designation

**Proposed Shoreline Designations**

- **No Designation**

**Reason:**
Wetlands are well above OHWM and are not saltwater influenced. Ditches appear > 200ft from Puget Sound OHWM, and a ditched connection is not sufficient for inclusion as shoreline associated.
Current Shoreline Designations

Aquatic
Natural
Rural Conservancy

Proposed Shoreline Designations

Aquatic
Natural

Site: 17

From: No Designation
To: Natural

Reason:
Based on a review of aerial photography, the features is a jurisdictional shoreline waterbody. Evidence of logs, drift deposits, and likely salt marsh are evident in the aerial imagery.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy

Site: 17

From: Natural
To: Aquatic

Proposed Shoreline Designations

- Aquatic
- Natural

REASON:
Based on a review of aerial photography, the features is a jurisdictional shoreline waterbody. Evidence of logs, drift deposits, and likely salt marsh are evident in the aerial imagery.
Current Shoreline Designations

- Aquatic
- Rural Conservancy
- Shoreline Residential

Proposed Designation

Site: 18

From: Rural Conservancy
To: Aquatic

Reason:
Puget Sound is incorrectly mapped and the shoreline environmental designation should be updated to aquatic.
Current Shoreline Designations

Aquatic
Rural Conservancy

Site: 24
From: No Designation
To: Rural Conservancy

Proposed Shoreline Designations

Rural Conservancy

Reason:
Wetland areas in question appear to be shoreline associated wetlands.

Date: 11-May-2021

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. DO NOT USE AS A LEGAL DOCUMENT. ACCURACY IS NOT GUARANTEED.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy

Proposed Shoreline Designations

- Aquatic
- No Designation
- Rural Conservancy

**Site: 27**

From: No Designation  
To: Rural Conservancy

**REASON:**  
Agricultural fields upland of Race Rd. appear generally non-wetland, although associated wetlands may exist in upland ditches and flow downhill, discharging into Puget Sound.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy

Site: 27

From: Aquatic
To: No Designation

REASON:
Agricultural fields upland of Race Rd. appear generally non-wetland, although associated wetlands may exist in upland ditches and flow downhill, discharging into Puget Sound.

Proposed Shoreline Designations

- Aquatic
- No Designation
- Rural Conservancy
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy

Site: 27

From: Rural Conservancy
To: No Designation

REASON:
Agricultural fields upland of Race Rd. appear generally non-wetland, although associated wetlands may exist in upland ditches and flow downhill, discharging into Puget Sound.

Proposed Shoreline Designations

- Aquatic
- No Designation
- Rural Conservancy
Current Shoreline Designations

Aquatic  Natural  Rural Conservancy

Site: 27

From: Rural Conservancy  To: Aquatic

Proposed Shoreline Designations

Aquatic  No Designation  Rural Conservancy

REASON:
Agricultural fields upland of Race Rd. appear generally non-wetland, although associated wetlands may exist in upland ditches and flow downhill, discharging into Puget Sound.

Date: 11-May-2021

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**Site: 27**

**Current Shoreline Designations**
- Aquatic
- Natural
- Rural Conservancy

**Proposed Shoreline Designations**
- Aquatic
- No Designation
- Rural Conservancy

**Reason:**
Agricultural fields upland of Race Rd. appear generally non-wetland, although associated wetlands may exist in upland ditches and flow downhill, discharging into Puget Sound.

Date: 11-May-2021

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

DO NOT USE AS A LEGAL DOCUMENT. ACCURACY IS NOT GUARANTEED.
Current Shoreline Designations

Aquatic
Natural
Rural Conservancy

Site: 28

From: Natural
To: No Designation

REASON:
Wetlands do not appear present based on a review of aerial imagery, although a delineation would be required to confirm.
Site: 28

From: Rural Conservancy
To: No Designation

REASON:
Wetlands do not appear present based on a review of aerial imagery, although a delineation would be required to confirm.
Current Shoreline Designations

- Aquatic
- Rural Conservancy

Site: 29

From: No Designation
To: Rural Conservancy

Reason:
The extent of drift logs and proximity to the Puget Sound indicate that the lagoon is likely saltwater and tidally influenced, and therefore a jurisdictional waterbody.
Site: 30

From: No Designation
To: Aquatic

REASON:
The extent of drift logs and proximity to the Puget Sound indicate that the lagoon is likely saltwater and tidally influenced, and therefore a jurisdictional waterbody.
Current Shoreline Designations

- **Aquatic**
- **Rural Conservancy**

**Site: 30**

**From:** Rural Conservancy

**To:** Aquatic

**Proposed Shoreline Designations**

- **Aquatic**
- **Rural Conservancy**

**REASON:**
The extent of drift logs and proximity to the Puget Sound indicate that the lagoon is likely saltwater and tidally influenced, and therefore a jurisdictional waterbody.
Current Shoreline Designations

- Aquatic
- Rural Conservancy
- Shoreline Residential

Site: 31

From: No Designation
To: Shoreline Residential

REASON:
The coastal lagoon at this site is tidally influenced and is a jurisdictional shoreline waterbody. Salinity within the lagoon was measured at 15.5 ppt, and vegetation is composed of salt tolerant species. Salt burn was observed on overhanging vegetation.
Site: 31

From: No Designation
To: Aquatic

REASON:
The coastal lagoon at this site is tidally influenced and is a jurisdictional shoreline waterbody. Salinity within the lagoon was measured at 15.5 ppt, and vegetation is composed of salt tolerant species. Salt burn was observed on overhanging vegetation.
Site: 32

From: No Designation
To: Natural

REASON:
Evidence of tidal influence including presence of wrack and tidal channels indicate that the area in question is below OHWM and is a jurisdictional shoreline waterbody.
Current Shoreline Designations

- **Aquatic**
- **Natural**

**Site: 32**

**From:** Natural

**To:** Aquatic

**Proposed Shoreline Designations**

- **Aquatic**
- **Natural**

**REASON:**
Evidence of tidal influence including presence of wrack and tidal channels indicate that the area in question is below OHWM and is a jurisdictional shoreline waterbody.

Date: 11-May-2021

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Current Shoreline Designations

- Aquatic
- Natural

Proposed Shoreline Designations

- Aquatic
- Natural

Site: 32

From: No Designation
To: Aquatic

Reason:
Evidence of tidal influence including presence of wrack and tidal channels indicate that the area in question is below OHWM and is a jurisdictional shoreline waterbody.
Site: 34

From: No Designation
To: Rural Conservancy

REASON:
Based on the presence of logs seen on aerial photography and proximity to Puget Sound, the waterbody is likely shoreline jurisdictional.
Site: 34

From: Rural Conservancy
To: Aquatic

REASON:
Based on the presence of logs seen on aerial photography and proximity to Puget Sound, the waterbody is likely shoreline jurisdictional.
Site: 35

From: No Designation
To: Rural Conservancy

REASON:
Based on the presence of logs and potential saltmarsh on aerial photography and proximity to the Puget Sound, the waterbody is likely a jurisdictional shoreline waterbody.
Current Shoreline Designations

- **Green**: Natural
- **Blue**: Aquatic
- **Pink**: Rural Conservancy
- **Yellow**: Shoreline Residential

**Site: 35**

From: Natural  
To: Aquatic

**Proposed Shoreline Designations**

- **Blue**: Aquatic  
- **Pink**: Rural Conservancy

**Reason:**  
Based on the presence of logs and potential saltmarsh on aerial photography and proximity to the Puget Sound, the waterbody is likely a jurisdictional shoreline waterbody.

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Date: 11-May-2021

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Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Proposed Shoreline Designations

- Aquatic
- Rural Conservancy

Site: 35
From: Rural Conservancy
To: Aquatic

REASON:
Based on the presence of logs and potential saltmarsh on aerial photography and proximity to the Puget Sound, the waterbody is likely a jurisdictional shoreline waterbody.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

**Site: 35**

From: Natural
To: Rural Conservancy

**Proposed Shoreline Designations**

- Aquatic
- Rural Conservancy

**REASON:**
Based on the presence of logs and potential saltmarsh on aerial photography and proximity to the Puget Sound, the waterbody is likely a jurisdictional shoreline waterbody.
Current Shoreline Designations

- Aquatic
- Natural
- Rural Conservancy
- Shoreline Residential

Site: 35
From: No Designation
To: Aquatic

REASON:
Based on the presence of logs and potential saltmarsh on aerial photography and proximity to the Puget Sound, the waterbody is likely a jurisdictional shoreline waterbody.
Current Shoreline Designations

- Aquatic
- Rural Conservancy
- Shoreline Residential

Site: 36

From: Shoreline Residential
To: Aquatic

Proposed Shoreline Designations

- Aquatic
- Shoreline Residential

REASON:
The coastal lagoon at this site is tidally influenced and is a jurisdictional shoreline waterbody. Salinity within the lagoon was measured at 15.5 ppt, and vegetation is composed of salt tolerant species. Salt burn was observed on overhanging vegetation.
Exhibit D
Amendments to the Island County Shoreline Environment Designation Map for Shoreline Residential Historic Beach Communities
Island County Historic Beach Communities
SITE: Patton’s Beachwood Manor

Current HBC Boundaries
Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021
Island County Historic Beach Communities
SITE: Westbeach and Seaview

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes

Created: 12-May-2021

Page: 2
Island County Historic Beach Communities

SITE: Utsalady

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community

Yes

Created: 12-May-2021
Island County Historic Beach Communities
SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
Island County Historic Beach Communities

SITE: New Location

Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

Created: 12-May-2021
Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC
- Historic Beach Community
  - Yes
  - N/A

Created: 12-May-2021

Page: 7
Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC
- Historic Beach Community
- Yes

Created: 12-May-2021

Page: 11
Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

Created: 12-May-2021

Page: 12
Island County Historic Beach Communities
SITE: Tyee Beach

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community: Yes
Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC

<table>
<thead>
<tr>
<th>Historic Beach Community</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Created: 12-May-2021

Page: 14
Island County Historic Beach Communities
SITE: Pebble Beach Div 1

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community

Yes

Created: 12-May-2021
Island County Historic Beach Communities

SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community

Yes

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: Clinton Beach

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: Columbia Beach

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No
- N/A

Created: 12-May-2021
Island County Historic Beach Communities
SITE: New Location

Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: Possession Beach Walk

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes

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Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC

Historic Beach Community
- Yes
- No
- N/A

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Island County Historic Beach Communities

SITE:

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC
- Historic Beach Community
- Yes

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

Created: 12-May-2021

Page: 27
Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: Madrona Beach

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

Proposed New HBC

Historic Beach Community

Yes
No

Created: 12-May-2021
Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

Created: 12-May-2021

Page: 32
Island County Historic Beach Communities
SITE: New Location

Proposed New HBC

Historic Beach Community

Yes
No

Created: 12-May-2021

Page: 34
Island County Historic Beach Communities
SITE: Bush Point Beach

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- N/A

Created: 12-May-2021

Page: 35
Island County Historic Beach Communities

SITE: New Location

Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

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Island County Historic Beach Communities

SITE: Expanded Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

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Island County Historic Beach Communities
SITE: Sunlight Beach

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No
- N/A

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Island County Historic Beach Communities

SITE: Shore Ave

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community

Yes

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: Bell's Beach Waterfront Tracts

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community: Yes

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Created: 12-May-2021
Island County Historic Beach Communities

SITE: Saratoga

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- N/A

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Island County Historic Beach Communities

SITE: Whidbey Shores

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community

Yes

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Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC
- Historic Beach Community

Yes
No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC
- Historic Beach Community

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

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Island County Historic Beach Communities

SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

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Island County Historic Beach Communities
SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No
- N/A

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community
Yes
No

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Created: 12-May-2021
Island County Historic Beach Communities
SITE: Sandy Point

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

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Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

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Island County Historic Beach Communities
SITE: New Location

Proposed New HBC

Historic Beach Community

Yes
No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC
- Historic Beach Community

Yes
No

Created: 12-May-2021

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Island County Historic Beach Communities

SITE: New Location

Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

Created: 12-May-2021
Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC

Historic Beach Community

Yes
No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

Proposed New HBC

Historic Beach Community

- Yes
- No
- N/A

Created: 12-May-2021

Page: 60
Island County Historic Beach Communities
SITE: New Location

Proposed New HBC
Historic Beach Community

Yes
No

Created: 12-May-2021

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Island County Historic Beach Communities

SITE: New Location

Proposed New HBC

Historic Beach Community

Yes
No

Created: 12-May-2021

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Island County Historic Beach Communities

SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: Juniper Beach

Current HBC Boundaries
Proposed New HBC

Historic Beach Community
- Yes
- No

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

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Island County Historic Beach Communities
SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No
- N/A

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Island County Historic Beach Communities
SITE: New Location

Proposed New HBC
Historic Beach Community

Yes
No
N/A

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Island County Historic Beach Communities
SITE: New Location

Proposed New HBC
Historic Beach Community

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Island County Historic Beach Communities
SITE: New Location

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC
- Historic Beach Community

Yes
No
N/A

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

- Proposed New HBC
- Historic Beach Community

Yes
No
N/A

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Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC

Historic Beach Community

- Yes
- No

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

Proposed New HBC
Historic Beach Community

Yes
No

Created: 12-May-2021

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Island County Historic Beach Communities

SITE: New Location

- Proposed New HBC
- Historic Beach Community
  - Yes
  - No

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Island County Historic Beach Communities
SITE: Maple Gove Beach No 2 & 1st Addition Maple Gove Beach No 2

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- N/A

Created: 12-May-2021
Island County Historic Beach Communities
SITE: Maple Gove Beach No 2 & 1st Addition Maple Gove Beach No 2

Proposed New HBC

Historic Beach Community

Yes
No

Page: 81

Created: 12-May-2021
Island County Historic Beach Communities
SITE: Maple Gove Beach No 2 & 1st Addition Maple Gove Beach No 2

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021
Page: 82
Island County Historic Beach Communities
SITE: Maple Gove Beach

- Current HBC Boundaries
- Proposed New HBC

Historic Beach Community
- Yes
- N/A

Created: 12-May-2021

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Island County Historic Beach Communities
SITE: New Location

Current HBC Boundaries
Proposed New HBC

Historic Beach Community
- Yes
- No

Created: 12-May-2021

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Exhibit E
Completed SMP Periodic Review Checklist
**Periodic Review Checklist**

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080(4)](http://laws.wa.gov/). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](http://rules.wa.gov/).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

**How to use this checklist**

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the **end of your review process**, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

*Local governments should coordinate with their assigned Ecology regional planner for more information on how to use this checklist and conduct the periodic review.*

<table>
<thead>
<tr>
<th>Prepared By</th>
<th>Jurisdiction</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meredith Penny</td>
<td>Island County</td>
<td>5/11/2021</td>
</tr>
<tr>
<td>Year</td>
<td>Summary of change</td>
<td>Review</td>
</tr>
<tr>
<td>------</td>
<td>------------------</td>
<td>--------</td>
</tr>
<tr>
<td>2019</td>
<td>OFM adjusted the cost threshold for building freshwater docks</td>
<td>Current SMP has threshold at $10,000</td>
</tr>
<tr>
<td></td>
<td>The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (applies to 9 jurisdictions)</td>
<td>No open water disposal sites managed by DMMP in Island County</td>
</tr>
<tr>
<td></td>
<td>The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.</td>
<td>Current SMP does not include a full list of fish enhancement project types, but does include list of “when all of the following apply” – the last WAC requirement which references RCW 77.55.181 was not included in the code</td>
</tr>
<tr>
<td>2017</td>
<td>OFM adjusted the cost threshold for substantial development to $7,047.</td>
<td>Current SMP has threshold at $6,416</td>
</tr>
<tr>
<td></td>
<td>Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.</td>
<td>Current definition of development does not address dismantling or removing structures</td>
</tr>
<tr>
<td></td>
<td>Ecology adopted rules clarifying exceptions to local review under the SMA.</td>
<td>Current SMP does not address the exceptions provided under WAC 173-27-044.</td>
</tr>
<tr>
<td></td>
<td>Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.</td>
<td>Current SMP incorrectly defined, date of filing.</td>
</tr>
</tbody>
</table>
Row | Summary of change | Review | Action
--- | --- | --- | ---
a. | a. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents. b. Consistent with RCW 90.58.140(6), the state’s Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below: (i) For projects that only require a Substantial Development Permit: the date that Ecology receives the County’s decision. (ii) For a Shoreline Conditional Use Permit (SCUP) or Shoreline Variance (SVAR): the date that Ecology’s decision on the CUP or Variance is transmitted to the applicant and the County. (iii) For SDPs simultaneously mailed with an SCUP or SVAR to Ecology: the date that Ecology’s decision on the SCUP or SVAR is transmitted to the applicant and the County. | | Updated ICC 17.05A.100.F (new item G) to include, “7. A forest practice that only involves timber cutting is not a development under the regulations to clarify that forest practices only involving timber cutting not addressed other than timber cutting may be a development under the Act and may require a substantial development permit, as required by WAC 222-50-020. Added footnote 18 to forest practices in permitted use table in ICC 17.05A.080 which repeats language above, b. | Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs. Specific considerations for forest practices only involving timber cutting not addressed in current SMP. | Updated ICC 17.05A.130. C.11 (new #13): “Date of filing” of the county’s final decision on substantial development permits differs from date of filing for a conditional use permit or variance. In the case of a substantial development permit, the date of filing is the date the county transmits its decision on the permit to the Department of Ecology. In the case of a variance or conditional use permit, the “date of filing” means the date the Department of Ecology’s final order on the permit is transmitted to the county.” | Updated ICC 17.05A.100.F to include “Forest practices...does not apply to lands under exclusive federal jurisdiction.” No change necessary |
f. | Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction | Current SMP does not specify applicability to lands under exclusive federal jurisdiction. | Updated ICC 17.05A.050.B to have subsection 1: “1. Requirements to obtain a shoreline substantial development permit, shoreline conditional use permit, shoreline variance, shoreline exemption, or other shoreline review to implement the Shoreline Management Act do not apply to lands under exclusive federal jurisdiction.” | No change necessary |
g. | Ecology clarified “default” provisions for nonconforming uses and development. | Current SMP has tailored provisions for nonconforming use and development. | | No change necessary |
h. | Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews. | Current SMP addresses periodic reviews in ICC 17.05A.130.D. Specifics regarding scope and procedures not addressed by code. | | No change necessary |
i. | Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period. | No impediments to the new joint process in current SMP. | | No change necessary |
j. | Submittal to Ecology of proposed SMP amendments. | Current SMP does not include a description of the submittal process. | | No change necessary |

2016

a. | The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with ADA as an exemption. | Current SMP does not specifically call out retrofitting structures to comply with ADA as an exemption. | Updated ICC 17.05A.130.E.d.2 to include item (xii), “The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.” Also added a provision to new section on Shoreline Exemption Limited Reviews under ICC 17.05A.130.E.2.e.iii.(7) | No change necessary |
<table>
<thead>
<tr>
<th>Year</th>
<th>Summary of change</th>
<th>Review</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.</td>
<td>Current SMP references wetland regulations of the CAO. Wetland regulations brought over from the CAO into the SMP. Island County utilizes a unique wetland rating system.</td>
<td>No change necessary</td>
</tr>
<tr>
<td>2014</td>
<td>a. The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.</td>
<td>Current SMP does not include specifications for review of WSDOT projects.</td>
<td>Updated ICC 17.05A.130.C to add item 8, “8. Special procedures for Washington State Department of Transportation projects. a. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments. b. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.”</td>
</tr>
<tr>
<td>2012</td>
<td>a. The Legislature amended the SMA to clarify SMP appeal procedures.</td>
<td>Current SMP does not outline SMP appeal process</td>
<td>No change necessary</td>
</tr>
<tr>
<td>2011</td>
<td>a. Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual.</td>
<td>Current SMP references wetland regulations of the CAO. Wetland regulations brought over from the CAO into the SMP and amended, rather than referencing.</td>
<td>Updated new section where wetland regulations brought over from Critical Areas Ordinance, rather than referencing. New ICC section 17.05A.090.C.18.b.i amended to include, “This determination shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement.”</td>
</tr>
<tr>
<td></td>
<td>b. Ecology adopted rules for new commercial geoduck aquaculture.</td>
<td>Current SMP provisions compliant with updated geoduck aquaculture rules except for additional language mentioned in this table.</td>
<td>Updated ICC 17.05A.100.8.7 to include, “Any geoduck aquaculture operation that causes substantial interference with normal public use of the surface waters shall require a substantial development permit.” Footnote 15 added to commercial aquaculture in permitted uses table in ICC 17.05A.080 which repeats the same language as above.</td>
</tr>
<tr>
<td></td>
<td>c. The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.</td>
<td>Current SMP does not mention floating homes</td>
<td>Definition of floating homes added to ICC 17.05A.070, “Floating home means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.”</td>
</tr>
<tr>
<td>Row</td>
<td>Summary of change</td>
<td>Review</td>
<td>Action</td>
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<td></td>
<td>d. The Legislature authorizing a new option to classify existing structures as conforming.</td>
<td>Item was discussed with Board and Planning Commission and not pursued.</td>
<td>No change necessary</td>
</tr>
<tr>
<td>2010</td>
<td>a. The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.</td>
<td>Current SMP states, &quot;6. Amendments or revisions to the Island County Shoreline Master Program, as provided by law, are effective 14 days from Ecology’s written notice of final action.&quot;</td>
<td>Updated ICC 17.05A.130.D.6 to read, &quot;6. Amendments or revisions to the Island County Shoreline Master Program, as provided by law, are effective 14 days from Ecology’s written notice of final action.&quot;</td>
</tr>
<tr>
<td></td>
<td>b. Ecology adopted a rule for certifying wetland mitigation banks.</td>
<td>Current SMP addresses wetland mitigation banks but does not address this specific requirement.</td>
<td>Added moratoria authority and procedures language from RCW to 17.05A.130 under new item K, &quot;Moratoria authority and requirements. 1. Island County has authority to adopt a moratorium control or other interim control on development under RCW 90.38.590. 2. Before adopting the moratorium must: a. Hold a public hearing on the moratorium or control; b. Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes; c. Notify the department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing; and d. Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium. 4. The public hearing must be held within sixty days of the adoption of the moratorium or control. 5. A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. 6. A moratorium or control may be renewed for one or more six-month period if Island County complies with the requirements in subsection (2) above before each renewal.</td>
</tr>
<tr>
<td>2009</td>
<td>a. The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.</td>
<td>Current SMP does not include a provision for this relief.</td>
<td>Updated ICC 17.05A.110.B to add item 12, “The County may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215”</td>
</tr>
<tr>
<td></td>
<td>b. Ecology adopted a rule for certifying wetland mitigation banks.</td>
<td>Current SMP addresses wetland mitigation banks but does not address this specific requirement.</td>
<td>Updated ICC 17.05A.090.C.10 to include, “Mitigation banks shall comply with the standards and procedures in RCW 90.84 and WAC 173-700.”</td>
</tr>
<tr>
<td></td>
<td>c. The Legislature added moratoria authority and procedures to the SMA.</td>
<td>Moratoria not mentioned in current SMP.</td>
<td>Added moratoria authority and procedures language from RCW to 17.05A.130 under new item K, &quot;Moratoria authority and requirements. 1. Island County has authority to adopt a moratorium control or other interim control on development under RCW 90.38.590. 2. Before adopting the moratorium must: a. Hold a public hearing on the moratorium or control; b. Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes; c. Notify the department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing; and d. Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium. 4. The public hearing must be held within sixty days of the adoption of the moratorium or control. 5. A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. 6. A moratorium or control may be renewed for one or more six-month period if Island County complies with the requirements in subsection (2) above before each renewal.</td>
</tr>
<tr>
<td>2007</td>
<td>a. The Legislature clarified options for defining &quot;floodway&quot; as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.</td>
<td>Island County does not have any floodways</td>
<td>No change necessary</td>
</tr>
<tr>
<td></td>
<td>b. Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.</td>
<td>Island County does not have any streams adequately sized to be jurisdictional. Island County does have shoreline</td>
<td>List of shoreline jurisdictional lakes added to 17.05A.060.E.2.b. &quot;...to specifically include the following. (i) Deer Lake; (ii) Lone Lake; (iii) Goss Lake; (iv) Cranberry Lake; and (v) Kristoferson Lake.” No change necessary to address streams.</td>
</tr>
<tr>
<td>Row</td>
<td>Summary of change</td>
<td>Review</td>
<td>Action</td>
</tr>
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<td></td>
<td>Jurisdictional lakes, which were not specifically called out.</td>
<td></td>
<td>Section 17.05A.130.E.2.d.xvi updated to add new item (4), “Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181. are determined to be consistent with local shoreline master programs” to exempt such projects from an SDP.</td>
</tr>
<tr>
<td>C.</td>
<td>Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Current SMP addresses public or private fish habitat projects but does not include a direct reference to RCW 77.55.181.</td>
<td></td>
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</tbody>
</table>
Exhibit F
Public Comment Matrix
<table>
<thead>
<tr>
<th>Name</th>
<th>Public Comment or Agency Comment or Planning Commission</th>
<th>Comment Summary</th>
<th>Hour Submitted</th>
<th>When Submitted</th>
<th>Change Made?</th>
<th>Reasoning/Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Concerned that there wasn't a draft SMP for public review until recently. Emailed 9 basic concerns that would add balance and avoid past mistakes.</td>
<td>4/12/2021 - email</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>A draft of the proposed code changes was posted to the website March 2nd and an updated version was posted March 26th for the 30-day public comment period.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Concerned about Sea Level Rise (SLR) and concerns about how SLR in the Maple Groove community of Camano Island will interact with the currently failing septic systems and affect the shoreline environment. Suggested that septic failures should be a trigger for a monitoring program.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>Staff consulted with the Board of County Commissioners on appropriate outreach for this update and was provided direction to conduct community presentations with local organizations who can spread the information, rather than send postcards.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Concerned regarding the Natural shoreline environment designation applied to surfcrest properties during 2016 periodic update. Some of the properties were subsequently corrected to a designation of Rural Conservancy, but not all parcel were changed. These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Concerns about language in 17.05A.090.E.3.a.ii leading to development of homes too close to heavily trafficked roads and causing safety issues.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Concerns that 17.05A.090.F.5 provides mitigation credit for removal of shoreline stabilization but does not address stabilization that may protect the environment.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Concerns that 17.05A.110.A.2 Summary Table provides too narrow a view of replacement stabilization.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Suggested addition of the word “materiarily” in multiple sections under 17.05A.140.B.4.ii to provide more flexibility.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Suggested addition of the language, “does not increase the number of lots” to 17.05A.090.A.3 to allow for boundary line adjustments.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Concern about language in ICC 17.05A.090.E.5 for buffer enhancement and plantings requirements conflicting with restrictions on water usage during certain seasons.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Public</td>
<td>Suggestion that the provisions of 17.05A.090.F.5 be applied to more than just canal communities.</td>
<td>4/12/2021 Pub. Comment Hearing</td>
<td>No change</td>
<td>No change</td>
<td>These properties in the Surfcrest development which were left with a Natural Shoreline Environment Designation are currently underwelt and are entirely encumbered by wetlands and their buffers. ICC 17.05A.060.E the purpose of the Natural Shoreline Environment is to preserve, protect, and restore areas that are relatively free of human influence or that include minimally degraded natural features and resources. One of the specific designation criteria includes, areas of shoreline-associated wetlands with generally intact buffers.</td>
</tr>
<tr>
<td>Name</td>
<td>Public Comment or Agency Comment or Planning Commission</td>
<td>Comment Summary</td>
<td>How Submitted</td>
<td>When Submitted</td>
<td>Change Made?</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to KC.17.05A.110.C.11 to reference Island County’s noxious weed list and allow for an easier process for weed removal</td>
<td>Change proposed Reference to Island County’s local noxious weed list added. ICC section reference corrected. No change to processes for weed removal proposed. Even weeds provide some habitat, stabilization, and storm water mitigation values. Haying weeds in place is preferred to removing and not replanting. Mechanical equipment can disturb shoreline ecological and geocoastal processes, review of proposals for utilizing such equipment is required.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Concern about language in 17.05A.090.D.2 restricting residential development in the floodplain</td>
<td>Change proposed New definition added to KC.17.05A.070 for flood control works, to clarify that these do not include homes built to FEMA floodplain standards. Flood control works means structural techniques for area-wide flood control, including but not limited to terracings, rock rip-raps, sandbags, application of soil orements to slopes, drainage swales, levees, dikes, dams, and retention or detention basins. Raising single family residential structures above base flood elevation is not considered flood control works.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Concern about language in 17.05A.090.A.4.b enabling views for some property owners.</td>
<td>No change The process for a Shoreline Variance is provided to allow for applicants which cannot obtain reasonable economic use of their property under the provisions of this ordinance.</td>
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</tr>
<tr>
<td>Holly Towle</td>
<td>Concerns about language in 17.05A.110.A.4. regarding cost of reports for applicants.</td>
<td>No change Applicants must assess the cost of their development proposals and are encouraged to get multiple quotes from a variety of professionals. This section limits the assessments to those which are sufficient to document impacts. The county cannot accept a report which insufficiently addresses impacts.</td>
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</tr>
<tr>
<td>Holly Towle</td>
<td>Concern about language in 17.05A.110.A.5 not allowing an easier process for weed removal</td>
<td>No change Negative environmental impacts from hard shoreline stabilization are well documented. Hard shoreline stabilization can be allowed where necessary, but impacts must be assessed.</td>
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</tr>
<tr>
<td>Holly Towle</td>
<td>Concerns about language in 17.05A.110.A.3 being overly restrictive and conflicting with RCW 90.58.100.6</td>
<td>No change RCW 90.58.100.6 states that the standards shall provide a preference for permit issuance for measures where the proposed measure is designed to minimize harm to the shoreline natural environment. No net loss of shoreline ecological functions and values is required by the Shoreline Management Act.</td>
<td></td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to KC.17.05A.110.A.5.e.ii to add the word, &quot;adverse&quot;</td>
<td>Change proposed Term adverse added to ICC 17.05A.110.A.5.e.ii</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to KC.17.05A.110.A.4.ii to add, &quot;including for dunes and trees described in a permit for structural shoreline stabilization&quot;</td>
<td>No change Natural vegetation and dunes need to be able to naturally respond and adapt to rising sea levels. Protecting dunes and vegetation with structural stabilization disconnects the nearshore environment from the marine waters causing environmental detriment and is not consistent with the provisions of the shoreline management act.</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to 17.05A.110.A.1.b to add, &quot;including for dunes and trees described in a permit for structural shoreline stabilization&quot;</td>
<td>No change Natural vegetation and dunes need to be able to naturally respond and adapt to rising sea levels. Protecting dunes and vegetation with structural stabilization disconnects the nearshore environment from the marine waters causing environmental detriment and is not consistent with the provisions of the shoreline management act.</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to 17.05A.110.A.3.a to provide for circumstances where shoreline stabilization can impact adjacent property owners</td>
<td>No change Already addressed in existing code. 17.05A.110.A.1.d.1 says the term, “significant impacts” and 1.e.6 uses the term, “increased”.</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to 17.05A.110.A.1.1 to allow stabilization on vacant parcels</td>
<td>No change Already addressed by proposed section 17.05A.110.A.1.</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to 17.05.110.A.1.5 to ensure replacement of stabilization is allowed for single family residences</td>
<td>No change Already addressed in this section. Term, “principal uses or structures” used.</td>
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<tr>
<td>Holly Towle</td>
<td>Concerns about 17.05A.110.A.4.b prohibiting structural stabilization on lakes</td>
<td>No change Lakes do not have the same kind of wave action and erosion risk as marine shorelines. The lake shores is not as dynamic. Replacement and repair of existing stabilization could be allowed in some instances but new stabilization would not.</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to 17.05A.110.A.3.a broadening stabilization use for restoration, preservation, and enhancement of ecological functions.</td>
<td>Change proposed Phrase, “a material purpose of which includes” to 17.05A.110.A.3.a.</td>
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<td>Name</td>
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<tr>
<td>Holly Towle</td>
<td>Edits suggested to 17.05A.110.A.08 for the protection of private facilities utilizing stabilization</td>
<td>No change. Primary structures already allowed to utilize stabilization</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Edits suggested to definition of Adverse impact or offset, to add term, &quot;materi&quot;</td>
<td>No change. Not substantively necessary</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Concerns about language in 17.05A.090.E.1.a.v and regarding structures not requiring shoreline stabilization for the life of the single-family residence, typically 100 years</td>
<td>No change. The following language was added to the moratorium procedures in 17.05A.130.K: &quot;Provide that all legally existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.&quot;</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Holly Towle</td>
<td>Concern that 17.05A.130.K omits language from the RCW</td>
<td>Change proposed. The following language was added to the moratorium procedures in 17.05A.130.K: &quot;Provide that all legally existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.&quot;</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Questions about the baseline for defining &quot;No Net Loss&quot;. Is it also concerned about the timeline for the periodic review, and the concerns concerning Admirals Lagoon. Had a question about mapping Historic Beach Communities.</td>
<td>No change. No net loss guide from Ecology provided to Planning Commission for 4/22/21 meeting. Staff met with members of the Admirals Cove Association and clarified that because the Admirals Cove lake has measured levels of salinity, it will be designated as aquatic under the SNMP update. Properties within 200 feet of the primary high water mark of the lake, will be designated Shoreline Residential. Motorized boating is not considered a permissible recreational activity in regulated waterways. Admirals lake is a regulated waterway. All Historic Beach Communities are being mapped under the existing criteria in the code. This will help to apply the regulations consistently and target those communities for outreach and education on salt water levees.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Would like a clearer outline of what comments have been incorporated into the code updates, and what hasn’t been incorporated. Would like Code Enforcement in the shoreline to be outlined more clearly. Had a question about Public Outreach.</td>
<td>No change. This matrix will serve to document the public comments that have been addressed. Code enforcement issues are handled through the same process in shoreline as the rest of the County. Code enforcement can be suggested as a work plan item for next year.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Edits to definition of accessory structure because term is found in the code.</td>
<td>Definition of accessory use or building added from the zoning code ICC 17.05.040.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Edits to definition of boat suggested, to include paddled vessels</td>
<td>Tests, &quot;paddled&quot; added to definition of boat in 17.05A.070.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Edits to definition of boat to add &quot;recreational busi/nets for crab fishing&quot;</td>
<td>Current definition covers busi/boats that are anchored to the seafloor, WDFW already has detailed regulations governing floats for crab fishing. Would be difficult for Island County to enforce as well.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Edits to definition of dredging with regards to enhancement of natural resources with regards to coastal communities</td>
<td>Current definition states that dredging is for the purpose of deepening navigation channels, which is consistent with activity in canal communities.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Clarify definition of floating on-water residence</td>
<td>No change. The definition was pulled from RCW 90.58.1763,3(b) in order to match with state statute</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Add definition of stormwater</td>
<td>Definition of stormwater added from APA Dictionary</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Should sources identifying geologically hazardous areas be referenced in 17.05A.090.E.1.a.7?</td>
<td>No change. The intent of the code is to allow replacement of existing primary residential structures, and not accessory structures within the buffer/setback.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Should accessory structures be added to 17.05A.090.E.1.a.7?</td>
<td>No change. The intent of the code is to allow replacement of existing primary residential structures, and not accessory structures within the buffer/setback.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Should sources about presence of Table 2 in 17.05A.090.F</td>
<td>No Change. Draft figure is at end of chapter, but not yet labeled &quot;Figure 2.&quot;</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Questions about adding monitoring requirements to 17.05A.090.E.1.d.ii</td>
<td>No change. The situations where monitoring is required are already outlined at the beginning of 090 and in the critical areas ordinance.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>VII. W. 1. C. 1.</td>
</tr>
<tr>
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<td>Reasoning/Action Taken</td>
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<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Comment about 17.05A.090.H.9 and stormwater contradiction with WAC</td>
<td>Email and Public Comment Hearing</td>
<td></td>
<td>No change</td>
<td>Added stormwater definition which may help clarify. Staff discussion is needed on this topic.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Would like to prohibit special events on docks in 17.05A.100.D</td>
<td>Email and Public Comment Hearing</td>
<td></td>
<td>No change</td>
<td>Events are regulated under ICC 17.03.180.EE</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Would like to prohibit special events in marinas in 17.05A.100.E</td>
<td>Email and Public Comment Hearing</td>
<td></td>
<td>No change</td>
<td>Events are regulated under ICC 17.03.180.EE</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Would like to clarify permitting requirements and penalties in 17.05A.130</td>
<td>Email and Public Comment Hearing</td>
<td></td>
<td>No change</td>
<td>The topic requires BOCC input.</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Would like to add fencing and landscaping to definitions, and clarify that trees are not appropriate for fencing</td>
<td>Email and Public Comment Hearing</td>
<td>4/10/2021</td>
<td>Change Proposed</td>
<td>Provision added to ICC 17.05A.090.D.13</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Landscaping as applied to shoreline areas definition</td>
<td>Email and Public Comment Hearing</td>
<td></td>
<td>Change proposed</td>
<td>Provision added to ICC 17.05A.090.D.13</td>
</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Would like to add that neighboring property sight lines may not be blocked to the 30 inch structure allowance in 17.05A.190.E</td>
<td>Email and Public Comment Hearing</td>
<td></td>
<td>Change Proposed</td>
<td>Provision added to ICC 17.05A.090.D.13</td>
</tr>
<tr>
<td>Commissioner Schwalbe</td>
<td>Planning Commissioner</td>
<td>Regulations for septic systems with the shoreline?</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>Septics require shoreline permits.</td>
</tr>
<tr>
<td>Commissioner Hand</td>
<td>Planning Commissioner</td>
<td>Commented about code enforcement and signs being on the Dockset/Work Plan for next year.</td>
<td>Public Comment Hearing</td>
<td>4/12/2021</td>
<td>No change</td>
<td>Discussions for next year’s Dockset/Work Plan will begin in August/September</td>
</tr>
<tr>
<td>Jeanner Congdon</td>
<td>Public</td>
<td>Comments concerning landscaping within the shoreline buffer and setback</td>
<td>Email</td>
<td>4/12/2021</td>
<td>Change Proposed</td>
<td>Provision added to ICC 17.05A.090.D.13</td>
</tr>
<tr>
<td>Betsy Harris</td>
<td>Public</td>
<td>Comments expressing concern about the SMP Update SIPA Environmental Checklist not addressing certain critical areas questions due to being considered a “non-project proposal”.</td>
<td>Email</td>
<td>4/12/2021</td>
<td>No change</td>
<td>Supplemental sheet was included in SIPA Checklist and routed to applicable agencies for review. EG was already completed for Island County Comprehensive Plan, this non-project action amends one element. Environmental impacts will be assessed individually for each project that occurs under the Shoreline Master Program.</td>
</tr>
<tr>
<td>Ben Swenson</td>
<td>Public</td>
<td>Comment expressing concern that Goss Lake is inappropriately mapped as Rural Conservancy</td>
<td>Email</td>
<td>4/12/2021</td>
<td>No change</td>
<td>Review of prior inventory report for Goss Lake inconclusive. May fit the criteria for Shoreline Residential, need to discuss further.</td>
</tr>
<tr>
<td>Larry Kvaalvik</td>
<td>Public</td>
<td>Comment concerning nonconforming structures in the shoreline environment</td>
<td>Email</td>
<td>4/21/2021</td>
<td>No change</td>
<td>Currently the buffer is described as a three-dimensional space, and so any expansion within triggers a variance.</td>
</tr>
<tr>
<td>Mike Tenore</td>
<td>Public</td>
<td>Comment expressing support for Admirals Lake being designated Natural shoreline environment</td>
<td>Email</td>
<td>4/21/2021</td>
<td>No Change</td>
<td>Currently no plans to redesignate Admirals Lagoon</td>
</tr>
<tr>
<td>Joel Douglas</td>
<td>Public</td>
<td>Comment expressing that current body of regulations is far in excess of what is needed</td>
<td>Email</td>
<td>3/24/2021</td>
<td>No Change</td>
<td>Concern noted, but Island County must comply with State and Federal laws protecting the shoreline</td>
</tr>
<tr>
<td>Michael Bianchi</td>
<td>Agency</td>
<td>Comment pointing out that NAS Whidbey is exempted from SMP oversight</td>
<td>Email</td>
<td>4/7/2021</td>
<td>Change Proposed</td>
<td>Language changed per Ecology guidance</td>
</tr>
<tr>
<td>Rob Payton</td>
<td>Public</td>
<td>Comment in favor of protecting Admiral’s Lake</td>
<td>Email</td>
<td>4/7/2021</td>
<td>No change</td>
<td>Admirals Lagoon slated to be redesignated Aquatic</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Question about the definition of “dredging”, and whether an activity needs to be for the purposes of navigation or obtaining fill to be considered “dredging”, or if clearing culverts, outfalls, etc. fit.</td>
<td>Email</td>
<td>4/12/2021</td>
<td>Change proposed</td>
<td>Added delineation to dredging definition</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment suggesting that the definition for “outfall” be added, as Public Works does outfall work on a regular basis</td>
<td>Email</td>
<td>4/14/2021</td>
<td>Change proposed</td>
<td>Added definition for “outfall”</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment suggesting that the definition of “public infrastructure” be added</td>
<td>Email</td>
<td>4/21/2021</td>
<td>Change proposed</td>
<td>Added definition of “infrastructure”</td>
</tr>
<tr>
<td>Name</td>
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<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Suggestion to add a section for transportation and stormwater to 17.05A.080, Table 1. Outfalls, culverts, road maintenance, etc.</td>
<td>Email</td>
<td>4/16/2021</td>
<td>No change</td>
<td>Items already listed in ICC 17.05A.080. footnote 20 added to bridges and culverts, and existing vehicular routes to allow repair as a permitted use.</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment asking about Biological Site Assessment requirement waivers in 17.05A.080.C.14.a, and adding normal repair and maintenance of transportation and stormwater facilities, parks, and boat ramps.</td>
<td>Email</td>
<td>4/17/2021</td>
<td>Change proposed</td>
<td>Added the normal repair and maintenance of public infrastructure.</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Consider adding stormwater outfalls to development permitted within the shoreline buffer in 17.05A.080.E.1.c.</td>
<td>Email</td>
<td>4/18/2021</td>
<td>Change proposed</td>
<td>Added stormwater outfalls and culverts.</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment asking about adding provisions for maintenance of boat ramps be included in 17.05A.100.E.2</td>
<td>Email</td>
<td>4/20/2021</td>
<td>No change</td>
<td>Section (f) already states that public and community boat launches shall be &quot;developed and maintained to support waterfront access for watercraft&quot;</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment noting that 17.05A.110.A.3.e is one of the few instances where public transportation infrastructure is explicitly mentioned</td>
<td>Email</td>
<td>4/22/2021</td>
<td>No change</td>
<td>Addressed in 110.A.3.c.</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment asking about adding public infrastructure to exceptions in 17.05A.110.A.3.e</td>
<td>Email</td>
<td>4/27/2021</td>
<td>Change proposed</td>
<td>Added stormwater outfalls and culverts.</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment suggestion changing name of Shoreline Exemption to 17.05A.110.E.2</td>
<td>Email</td>
<td>4/27/2021</td>
<td>No change</td>
<td>No plan to rename &quot;Shoreline Exemption&quot;. These permits provide a means to review activities that are exempt from a Substantial Development Permit.</td>
</tr>
<tr>
<td>Matt Nash - Island County Public Works</td>
<td>Agency</td>
<td>Comment asking whether minor repair and maintenance of parks, roads, and drainage facilities should be added to 17.05A.120.E.2.E.3</td>
<td>Email</td>
<td>4/29/2021</td>
<td>No change</td>
<td>Staff will discuss this proposed change. Current language is codifying an official department policy.</td>
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</table>

**Comments Received Outside of Public Comment Period**

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<tr>
<td>Bob Wilbur</td>
<td>Public</td>
<td>Comment clarifying Admiral's Cove Committee stance on Ed Delahanty's comments</td>
<td>Email</td>
<td>3/22/2021</td>
<td>No change</td>
<td>Admiral Lagoon changing from Natural to Aquatic. Staff met with community members to discuss.</td>
</tr>
<tr>
<td>Verne Island</td>
<td>Public</td>
<td>Comment concerning with Sarah Blake's comments</td>
<td>Email</td>
<td>3/22/2021</td>
<td>No change</td>
<td>Admiral Lagoon changing from Natural to Aquatic. Staff met with community members to discuss.</td>
</tr>
<tr>
<td>Ed Delahanty</td>
<td>Public</td>
<td>Comment about Sarah Blake's comments</td>
<td>Email</td>
<td>3/22/2021</td>
<td>No change</td>
<td>Admiral Lagoon changing from Natural to Aquatic. Staff met with community members to discuss.</td>
</tr>
<tr>
<td>Sarah Blake</td>
<td>Public</td>
<td>Comment in support of Natural Shoreline Environment Designation of Admiral's Lagoon.</td>
<td>Email</td>
<td>3/22/2021</td>
<td>No change</td>
<td>Admiral Lagoon changing from Natural to Aquatic. Staff met with community members to discuss.</td>
</tr>
<tr>
<td>Ed Delahanty</td>
<td>Public</td>
<td>Comment challenging the Natural Shoreline Environment Designation of Admiral's Cove Lagoon, and its inclusion in the Shoreline Master program</td>
<td>Email</td>
<td>3/22/2021</td>
<td>No change</td>
<td>Admiral Lagoon changing from Natural to Aquatic. Staff met with community members to discuss.</td>
</tr>
<tr>
<td>Science Walker - WA Dept of Natural Resources</td>
<td>Agency</td>
<td>Comment stating that WADNR's comment focus is on mooring buoys, and outlining the three supporting documents and the comments table that DNR is submitting for Island County's reference.</td>
<td>Email</td>
<td>9/2/2020</td>
<td>No change</td>
<td>No code change necessary.</td>
</tr>
<tr>
<td>Science Walker - WA Dept of Natural Resources</td>
<td>Agency</td>
<td>Comment suggesting amending definition of &quot;buoy&quot; in 17.05A.070</td>
<td>Email</td>
<td>9/2/2020</td>
<td>Change proposed</td>
<td>Buoy definition changed as recommended</td>
</tr>
<tr>
<td>Science Walker - WA Dept of Natural Resources</td>
<td>Agency</td>
<td>Comment stating that shoreline Use Classification Table 1 be amended because white buoys are permitted in the Aquatic SED, per the SMP Handbook they are also subject to regulation under the adjoining upland SED</td>
<td>Email</td>
<td>9/24/2020</td>
<td>No change</td>
<td>No change in process suggested at this time based on discussions with PC and BOC based on available resources</td>
</tr>
<tr>
<td>Science Walker - WA Dept of Natural Resources</td>
<td>Agency</td>
<td>17.05A.080.C.13 - Comment stating that in order to ensure no net loss, mooring buoys should receive an SMP review to determine whether they are within 10 feet of eelgrass or help beds.</td>
<td>Email</td>
<td>9/21/2020</td>
<td>No change</td>
<td>No change in process suggested at this time based on discussions with PC and BOC based on available resources</td>
</tr>
<tr>
<td>Science Walker - WA Dept of Natural Resources</td>
<td>Agency</td>
<td>Comment concerning 17.05A.100.D.4, stating that while buoys are often exempt from Substantial Development permits in many jurisdictions, that doesn't mean they are exempt from a shoreline management review.</td>
<td>Email</td>
<td>9/24/2020</td>
<td>No change</td>
<td>No change in process suggested at this time based on discussions with PC and BOC based on available resources</td>
</tr>
<tr>
<td>Science Walker - WA Dept of Natural Resources</td>
<td>Agency</td>
<td>Suggestion that Island County should require a Shoreline Exemption Permit for mooring buoys</td>
<td>Email</td>
<td>9/21/2020</td>
<td>No change</td>
<td>No change in process suggested at this time based on discussions with PC and BOC based on available resources</td>
</tr>
<tr>
<td>Name</td>
<td>Agency Comment or Planning Commissioner</td>
<td>Comment Summary</td>
<td>How Submitted</td>
<td>When Submitted</td>
<td>Change Made?</td>
<td>Reasoning/Action Taken</td>
</tr>
<tr>
<td>-----------------------</td>
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</tr>
<tr>
<td>Commissioner Andersen</td>
<td>Planning Commissioner</td>
<td>Comment suggesting that the SMP include language limiting the height of landscaping improvements, and protecting the intentional obstruction of neighbor’s views.</td>
<td>Email</td>
<td>5/11/2021</td>
<td>Change Proposed</td>
<td>Provision added to ICC 17.05A.090.D.13</td>
</tr>
<tr>
<td>Commissioner Criswell</td>
<td>Planning Commissioner</td>
<td>Comment in support of Commissioner Andersen’s 5/11/2021 Comment</td>
<td>Email</td>
<td>5/11/2021</td>
<td>Change proposed</td>
<td>Provision added to ICC 17.05A.090.D.13</td>
</tr>
</tbody>
</table>