

GENERAL POLICIES AND REGULATIONS

GENERAL POLICIES

1. All shoreline developments and uses should utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
2. All shoreline developments and uses should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing, and habitat areas and migratory routes.
3. All shoreline developments and uses should be located, designed, constructed and managed to minimize interference with, or adverse impacts to, beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion, and accretion.
4. All shoreline developments and uses should be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and are aesthetically compatible with an affected area.

GENERAL REGULATIONS

Environmental Impacts:

Based upon shoreline goals and policies established in Section Two, the following regulations are established for all shoreline use activities:

1. The location, design, construction, and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground waters adjacent to a site and shall adhere to guidelines, policies, standards, and regulations of applicable water quality management programs and regulatory agencies.

2. Solid and liquid wastes and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
3. The release of oil, chemicals, or other hazardous materials onto or into surface or ground water(s) is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, then further use of such equipment must be suspended until the deficiency has been satisfactorily corrected.
4. All shoreline developments and uses shall utilize effective measures to minimize any increase in surface runoff and to control, treat, and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Such measures may include, but are not limited to dikes, catch basins or settling ponds, interceptor drains and planted buffers. Methods to be used shall be documented in the permit application when necessary.
5. All shoreline developments and uses shall utilize effective erosion control methods during project construction and operation. Methods to be used shall be documented in the permit application when necessary.
6. Land clearing, grading, filling, and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation, and not to be developed, must be replanted as soon as possible. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
7. All shoreline developments shall be located, constructed, and operated so as not to be a hazard to public health and safety.

8. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works, such as bulkheads, other types of bank stabilization, landfills, levees, dikes, groins, jetties, or substantial site regrades.
9. Navigation channels shall be kept free of hazardous or obstructing development or uses.
10. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by appropriate agencies (State Department of Agriculture or Ecology, U.S. Department of Agriculture, EPA).
11. Non-water dependent uses over water are prohibited.

Environmentally Sensitive Areas:

1. All development shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile, or scarce in a region, and to facilitate appropriate human use of such features, including, but not limited to:
 - a. Marshes, bogs and swamps;
 - b. Prime agricultural land;
 - c. Natural resources, including, but not limited to, sand and gravel deposits, timber, or natural recreational beaches;
 - d. Fish, shellfish, and wildlife habitats, migratory routes, and spawning areas;
 - e. Accretion shore forms; and
 - f. Natural or man made scenic vistas or features.
2. When a development site encompasses valuable natural features which are hazardous for or sensitive to

development, these areas or features shall be left intact and maintained as open space or buffers. All development should be set back from these areas to prevent hazardous conditions or property damage, as well as to protect valuable shore features. Minimum setbacks shall be designated on the permit site plan.

3. Marshes, bogs, and swamps shall not be disturbed or altered unless it is demonstrated that:
 - a. The wetland does not serve any of the valuable functions of wetlands identified in U. S. Army Corps of Engineers 33 CFR 320.4(b), including but not limited to wildlife habitat and natural drainage functions, or
 - b. The proposed development would preserve or enhance wildlife habitat, natural drainage and/or other valuable functions of wetlands as discussed in U.S. Army Corps of Engineers 33 CFR 320.4(b).
4. All development is prohibited within floodways, except certain permitted mining activities (i.e., gravel bar scalping).
5. Any development permitted within a 100 year floodplain shall not measurably increase flood levels or profiles and shall not restrict or otherwise reduce floodplain and floodway capacities. This shall be demonstrated on the permit application as needed.
6. All shoreline developments within a 100 year floodplain shall be located, designed, and maintained to avoid, or if necessary, withstand 100 year frequency flooding and/or storm tides or surges without becoming hazards to life or property and without the placement of structural defense works.
7. Areas with either an existing or high potential for aquaculture activities shall be protected from degradation by other types of uses which may locate within one mile on an adjacent upland. A conclusive

finding that such an adjacent use would result in irreparable damage to or destruction of an existing aquacultural enterprise shall be grounds for the denial of such use.

8. No development or activity including structures, clearing, dredging, filling, dumping, or grading is permitted within wetlands except as authorized by shoreline conditional use permit for the following: to enhance wildlife habitat, provide limited sensitive wetland public access, alter or create drainage improvements, or other uses clearly in the public interest.
9. Wetlands which are disturbed by construction, development, or activities, except where authorized by shoreline permit, shall be completely restored upon project occupation or use. A restoration plan should accompany permit application.
10. Applicants of developments adversely affecting wetlands shall submit with a shoreline permit application a wetland mitigation plan for approval, and shall provide for a bond to implement the mitigation plan if the required mitigation, including monitoring, cannot be completed by the expected project completion date.
11. Wetlands shall not be developed unless all of the following conditions are met:
 - a. All alternative upland sites, solutions, and designs in the same ownership have been demonstrated to be infeasible.
 - b. The proposal will result in no net loss of wetland functions, characteristics, types, and values.
 - c. The proposal will be in the public interest and will result in an overall environment benefit in light of the provisions of this section.

12. Projects proposed within wetlands shall be scaled down and designed to minimize adverse, environmental effects to the utmost degree.
13. Compensation of wetland losses and impacts shall be in the following descending order of priority unless a greater environmental benefit can be demonstrated for an alternative choice or combination of choices:
 - a. Complete restoration.
 - b. In-kind replacement in the same functional area.
 - c. In-kind replacement outside the area.
 - d. Out-of-kind replacement inside the area.
 - e. Out-of-kind replacement outside the area.
14. Wetland functional values shall be replaced at a minimum of a 1.25 for 1 ratio. Actual replacement acreage will be determined on a case-by-case basis and will often exceed original wetland acreage due to 1) inadequate success rates, 2) long term rates required to establish functions, and 3) differences in environmental design parameters.
15. A mitigation plan shall be required for developments or activities adversely affecting a wetland and shall include the following elements:
 - a. Goals and objectives.
 - b. Work schedule - initiation/completion dates, construction benchmarks, planting and maintenance schedules, etc.
 - c. Methodology - includes wetland habitat types to be created, hydraulic characteristics (ground/surface) feasibility assessment, existing and proposed water (input/output) budget.
 - d. Detailed site plan with precise contours and elevations; existing and proposed.

- e. Revegetation element including specific plants by genus/species, plant spacing and seed application, soil preparation, fertilization, and irrigation.
 - f. Monitoring element - a quantitative and qualitative evaluation of progress toward successful mitigation to be conducted bi-annually and reported in writing to the responsible agency in order for that agency to determine compliance for a period of at least three years after project completion.
 - g. Contingency element - providing several alternative mitigation proposals to be considered upon failure of a primary mitigation Plan.
16. In cases where attaining total mitigation is infeasible prior to project completion, a performance bond shall be required in an amount sufficient to enable the City/County to carry out the mitigation should the applicant fail to do so. In all instances, the applicant shall be solely responsible to meet bi-annual mitigation goals, revegetate, and provide alternative designs and plans, if necessary.
17. An upland buffer area of at least fifty (50) feet in width shall be required around and adjacent to all wetland areas unless a greater distance is required by other provisions of this program. Variances from this regulation shall require the proponent to compensate for the reduction in wetland protection by providing an alternative method and an equivalent area in wetland functions and values.