LANDFILLING

Landfilling is the creation of dry upland areas by the filling or depositing of sand, soil, rock, or gravel into a wetland area. Landfilling also occurs to replace shoreland areas removed by wave action or the normal erosional processes of nature. Landfilling may also be used to increase the elevation of dry land. However, most landfills destroy the natural character of land, create unnatural heavy erosion and silting problems, and diminish the existing water surface.

A. Policies

1. Shoreline fills or cuts should be designed and located so that significant damage to existing ecological values or natural resources, will not occur or create a hazard to adjacent life, property and natural resources systems.

2. Priority should be given to landfilling for water dependent uses and for public uses. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat should be considered.

3. Proposals for landfilling should demonstrate that operations will not be detrimental to the public interest and uses of the shoreline and water body, including public navigation and recreation.

4. In reviewing landfilling proposals, the County should assess the overall value of landfill site in its present state versus the proposed shoreline use to be created and other future potential public or private shoreline uses, including but not limited to agriculture, aquaculture, fish, shellfish, wildlife research and resource preservation, commercial fishing and recreation opportunities.

5. Landfilling and associated uses should enhance public access to the shoreline and water body.

B. Regulations

1. Applications for landfilling permits shall include the following:

    a. Proposed use of the landfill area;

    b. Physical, chemical and biological characteristics of the fill material;

    c. Source of landfill material;

    d. Method of placement and compaction;

    e. Location of landfill relative to natural or existing drainage patterns;

    f. Location of the perimeter relative to the ordinary high water mark;

    g. Perimeter erosion control or stabilization means; and

    h. Type of surfacing and runoff control devices.

2. Landfilling may be permitted only when it is in conformance with an approved site development plan. Such landfilling shall, at a minimum, possess the following characteristics:

    a. A method to prevent sedimentation from leaving a site:

    b. A method of controlling the composition of fill material to prevent materials from reaching out onto adjacent property(ies) or into receiving waters and creating a nuisance;

    c. A method of controlling the fill placement operations to insure structural integrity of fill so that a future purchaser will be protected from the need to undertake costly improvements to remedy latent site defects; and

d. The placement of materials shall not obstruct surface or subsurface drainage to or from adjacent properties.

3. Pile or pier supports shall be utilized whenever feasible in preference to landfilling. Landfilling for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible. Repair or upgrading of existing roads is exempt from this requirement.

4. Landfilling shall not be permitted in marshes, bogs, and swamps for the purpose of residential development. Where such features exist within proposed subdivisions, they shall be retained as open space.

5. Landfilling activities are not permitted within environmentally sensitive areas (see page 4-3 for definition), including:

   a. On marine, river, or lake accretion beaches, EXCEPT for approved beach restoration or enhancement programs;

   b. In floodways;

   c. In unique and fragile areas; or

   d. On prime agricultural lands.

6. Environmental review of proposed landfilling shall be accomplished concurrently with review of the intended use, and threshold determination concerning the need for an environmental impact statement shall be based on this combined project review.

7. Landfilling shall be permitted only where it is demonstrated that the proposed action will not:

   a. Result in significant damage to water quality, fish, shellfish, and/or wildlife habitat; and/or

   b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows, or significantly reduce flood water capacities.

8. All perimeters of fills and grading shall be revegetated and/or protected from erosion by retaining walls, or other effective measures. Soil disturbed in permitted grading and/or filling shall be so protected that it will not be washed downstream during high water.

9. Fill materials shall be of such quality that it will not cause problems of water quality. Shoreline areas are not to be considered for sanitary landfills or disposal of any solid waste material. (See section on solid waste disposal).

10. Landfilling use limitations in shoreline environments:

    NATURAL-Prohibited
    CONSERVANCY-Conditional Use
    RURAL-Conditional Use
    COMMUNITY-Conditional Use
    URBAN/INDUSTRIAL-Permitted