CHAPTER 6  SPECIFIC SHORELINE USE REGULATIONS

6.1 General Provisions

1. This chapter contains the regulations that apply to specific uses, developments, and activities in the shoreline jurisdiction.

2. These regulations are intended to work in concert with all sections of this Program and in particular the Goals and Policies (Chapter 3) and General Use and Development Regulations (Chapter 5).

6.2 Shoreline Use, Modification, and Standards Table

1. Each shoreline designation shall be managed in accordance with its designated purpose as described in this Program. Table 6-1 identifies those uses that are prohibited, may be permitted or permitted with a conditional use approval in each shoreline designation. In the event conflicts exist between the Table 6-1 and the text in this chapter, the text shall apply.

2. Table 6-1 also summarizes general setbacks and building heights for uses within each shoreline designation. These setbacks apply in conjunction with the requirements of the critical areas requirements established in Chapter 5. In the event a conflict exists between Table 6-1 and the requirements of Chapter 5, the most protective of shoreline ecological functions shall apply.

3. Residential densities and lot dimensions are the same as those described in the Clark County Comprehensive Growth Management Plan and CCC Title 40 for the respective zoning districts.

4. In Table 6-1, setbacks are measured landward from the ordinary high water mark (OHWM). For transportation facilities and utilities, the setback from OHWM pertains to the right of way and not just the structure or pipeline. In the Aquatic shoreline designation, the setback is waterward of the OHWM. Building heights are calculated according to WAC 173-27-030(9), or from the OHWM in the Aquatic shoreline designation.

5. All shoreline designations, even if they are not applied within the County or urban growth areas, are included in Table 6-1 to maintain consistency countywide (see Sections 4.3 and 4.4.5.). All listed shoreline designations can be found within county shoreline jurisdiction with the exception of High Intensity.
Table 6-1. Shoreline Use, Modification, and Development Standards

<table>
<thead>
<tr>
<th>Abbreviations</th>
<th>AQ</th>
<th>NT</th>
<th>UC (UGA)</th>
<th>MI (UGA)</th>
<th>HI (UGA)</th>
<th>RC-RD</th>
<th>RC-RL</th>
</tr>
</thead>
<tbody>
<tr>
<td>P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.</td>
<td></td>
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### Shoreline Designation

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<tr>
<th>Aquatic</th>
<th>Natural</th>
<th>Urban Conservancy</th>
<th>Medium Intensity</th>
<th>High Intensity</th>
<th>RC Residential</th>
<th>RC Resource Lands</th>
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#### Shoreline Uses

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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Boating Uses</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Marinas</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Forestry</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Industrial Uses</td>
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<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
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</tbody>
</table>

| Structure Setback | N/A | N/A | 100' | 100' | 100' | 100' | 100' |
| Structure Height | N/A | N/A | 35' | 35' | 35' | 35' | 35' |
| Structure Setback | 0' | N/A | 50' | 50' | 50' | 50' | 50' |
| Structure Height | 0' | N/A | 25' | 25' | 25' | 25' | 25' |
| Structure Setback | N/A | N/A | N/A | 25' | 25' | 25' | 25' |
| Structure Height | N/A | N/A | N/A | 25' | 35' | 35' | 35' |
| Structure Setback | N/A | N/A | N/A | 25' | 45' | 45' | 45' |
| Structure Height | N/A | N/A | N/A | 25' | 45' | 45' | 45' |
| Structure Setback | N/A | N/A | N/A | 100' | 100' | N/A | N/A |
| Structure Height | N/A | N/A | N/A | 25' | 25' | 25' | 25' |
| Structure Setback | N/A | N/A | N/A | 25' | 35' | 35' | 35' |
| Structure Height | N/A | N/A | N/A | 25' | 45' | 45' | 45' |
| Structure Setback | N/A | N/A | N/A | 100' | 100' | N/A | N/A |
| Structure Height | N/A | N/A | N/A | 25' | 25' | N/A | N/A |
| Structure Setback | N/A | N/A | N/A | 25' | 25' | N/A | N/A |
| Structure Height | N/A | N/A | N/A | 25' | 35' | 35' | 35' |
| Structure Height | N/A | N/A | N/A | 25' | 45' | 45' | 45' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
| Structure Height | N/A | N/A | N/A | 50' | 50' | 50' | 50' |
Table 6-1. Shoreline Use, Modification, and Development Standards

<table>
<thead>
<tr>
<th>Shoreline Designation</th>
<th>Aquatic (UGA)</th>
<th>NT (UGA)</th>
<th>Urban Conservancy</th>
<th>Medium Intensity</th>
<th>High Intensity</th>
<th>RC Residential</th>
<th>RC Resource Lands</th>
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<tbody>
<tr>
<td><strong>Non-water-oriented</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td></td>
<td>• Structure Setback</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>100’</td>
<td>N/A</td>
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<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Water-dependent</td>
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<td>C</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
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<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>C</td>
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<td>N/A</td>
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<td>X</td>
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<td>C</td>
<td>C</td>
<td>C</td>
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<td>N/A</td>
<td>100’</td>
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<td>35’</td>
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<tr>
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<td>• Density</td>
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<td>N/A</td>
<td>In accordance with the underlying zoning</td>
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### Table 6-1. Shoreline Use, Modification, and Development Standards

<table>
<thead>
<tr>
<th>Shoreline Designation</th>
<th>Aquatic</th>
<th>Natural</th>
<th>Urban Conservancy</th>
<th>Medium Intensity</th>
<th>High Intensity</th>
<th>RC-Residential</th>
<th>RC Resource Lands</th>
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<td>N/A</td>
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<td>Existing</td>
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<td>N/A</td>
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<td>P</td>
<td>P</td>
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<td>35’</td>
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<td>35’</td>
<td>35’</td>
<td>N/A</td>
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<tr>
<td>• Density</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>In accordance with the underlying zoning</td>
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#### Signs

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<th>NT</th>
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<th>MI (UGA)</th>
<th>HI (UGA)</th>
<th>RC-RD</th>
<th>RC-RL</th>
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<td>P</td>
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#### Transportation Uses

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<th>MI (UGA)</th>
<th>HI (UGA)</th>
<th>RC-RD</th>
<th>RC-RL</th>
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<tbody>
<tr>
<td>Highways, Arterials, Railroads</td>
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<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>• Right-of-Way Setback</td>
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1 Private docks permitted as joint-use only (see 6.3.3.4(10))
2 As part of mixed-use development only
3 In Surface Mining Overlay areas only
4 Low intensity only
5 Water-related/enjoyment features such as viewpoints, gazebos, or fishing piers may have a 0’ setback when connected to a public access trail.
6 Above Ordinary High Water Mark (OHWM)
7 New roads may connect to existing roads within shoreline jurisdiction as long as the connection is landward of the existing road and the ordinary high water mark
8 Permitted outside of channel migration zones
9 See Section 5.6.2(10)
10 Permitted for restoration only; otherwise prohibited

Note: Setbacks are landward from the OHWM in the NT, UC, MI, HI, RC-RD, & RC-RL Shoreline Designations; Setbacks are waterward of the OHWM in the AQ Shoreline Designation.
6.3 Use-specific Development Regulations

6.3.1 Agriculture

1. Agricultural practices shall prevent erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

2. Stream banks and water bodies shall be protected from damage due to concentration and overgrazing of livestock by providing the following:
   a. Suitable bridges, culverts or ramps for stock crossing;
   b. Ample supplies of clean water in tanks on dry land for stock watering; and
   c. Fencing or other grazing controls to prevent damage to riparian vegetation, bank compaction or bank erosion.

3. New confinement lots, feeding operations, lot wastes, stockpiles of manure solids, manure lagoons, and storage of noxious chemicals are prohibited.

4. The disposal of farm wastes, chemicals, fertilizers and associated containers and equipment within shoreline jurisdiction is prohibited. Composted organic wastes may be used for fertilization or soil improvement.

5. New uses proposed as part of a conversion of agricultural lands shall comply with the provisions of CCC Title 40 and this Program.

6.3.2 Aquaculture

1. No aquatic species shall be introduced into County waters without prior written approval of the appropriate state or federal regulatory agency for the species proposed for introduction. Such approval(s) shall be submitted in writing to the County as part of the shoreline permit application.

2. Aquaculture facilities shall only be permitted where impacts to existing uses can be fully mitigated.

3. Fish net-pens shall not occupy more than one (1) surface acre of water, excluding booming and anchoring equipment and shall not be located within one (1) mile of any other aquaculture facility.

4. No processing of any aquaculture product, except for the sorting or culling of the cultured species and the washing or removal of surface materials or species after harvest, shall occur in or over the water. All other processing activities and facilities shall be located on land.
5. If uncertainty exists regarding potential impacts of a proposed aquaculture activity, baseline and periodic operational monitoring by a County-approved consultant (unless otherwise provided for) may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.

6. Aquacultural uses and facilities not involving substantial substrate modification shall be located at least six hundred (600) feet from any wildlife refuge lands; those involving substantial substrate modification shall be located at least fifteen hundred (1,500) feet from such areas. Lesser distances may be authorized without a variance if it is demonstrated by the applicant that the fish and wildlife habitat resources will be protected, and if the change is supported by the reviewing resource agencies. Greater distances may be required if recommended by the reviewing resource agencies.

7. Aquacultural structures and activities that are not water-dependent (including but not limited to, warehouses for storage of products, parking and loading facilities) shall be located landward of the OHWM and landward of water dependent portions of the project, and shall minimize detrimental impacts to the shoreline.

8. For aquaculture projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored waterward of the OHWM.

9. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation. All wastes shall be disposed of in a manner that will ensure strict compliance with all applicable waste disposal standards.

10. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and application.

11. Prior to use of any agents such as antibiotics, vaccines, growth stimulants, or anti-fouling agents, approval must be obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, Ecology, WDFW, and the Department of Agriculture, as required, and proof thereof is submitted to the County.

12. Only non-lethal, non-abusive predator control methods shall be used. Double netting for seals, overhead netting for birds, and three- (3-) foot high fencing or netting for otters are approved methods of predator control. The use of other
nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

6.3.3 Boating Uses

6.3.3.1 General Requirements

1. All boating uses, development, and facilities shall protect the rights of navigation.

2. Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet DNR requirements and other state guidance if located in or over state-owned aquatic lands.

3. Boating facilities shall locate on stable shorelines in areas where:
   a. there is adequate water mixing and flushing;
   b. such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard;
   c. water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities; and
   d. water depths are adequate to prevent the structure from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.

4. Boating facilities shall not be located:
   a. along braided or meandering river channels where the channel is subject to change in alignment;
   b. on point bars or other accretion beaches;
   c. where new or maintenance dredging will be required; or
   d. in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.

5. Boating uses and facilities shall be located far enough from public swimming beaches, fishing and aquaculture harvest areas, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns and potential use conflicts.

6. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
7. Accessory uses at boating facilities shall be:
   a. limited to water-oriented uses, including uses that provide physical or visual
      shoreline access for substantial numbers of the general public; and
   b. located as far landward as possible while still serving their intended purposes.

8. Parking and storage areas shall be landscaped or screened to provide visual and
   noise buffering between adjacent dissimilar uses or scenic areas.

9. Boating facilities shall locate where access roads are adequate to handle the traffic
   generated by the facility and shall be designed so that lawfully existing or planned
   public shoreline access is not unnecessarily blocked, obstructed nor made
   dangerous.

10. Joint-use moorage with ten (10) or more berths is regulated under this section as a
    marina. Section 6.3.3.3. Joint-use moorage with fewer than ten (10) berths is
    regulated under this section as a moorage facility, Section 6.3.3.4.

11. All marinas and public launch facilities shall provide restrooms/hand-sanitizing
    facilities for boaters' use that are designed, constructed and maintained to be
    clean, well lighted, safe and convenient for public use. One restroom and hand-
    sanitizing facility shall be provided for every seventy-five (75) marina moorage
    sites or twenty (20) boat launch parking spaces.

12. Installation of boat waste disposal facilities such as pump-outs and portable dump
    stations shall be required at all marinas and shall be provided at public boat
    launches to the extent possible. The locations of such facilities shall be considered
    on an individual basis in consultation with the Washington Departments of
    Health, Ecology, Natural Resources, Parks, and WDFW, as necessary.

13. All utilities shall be placed at or below dock levels, or below ground, as
    appropriate.

14. All signage shall adhere to the standards for signs in this Program and CCC
    Chapter 40.310, except that a marina or boat launch may have one advertising
    sign oriented towards the water that does not exceed twenty four (24) square feet
    in area and fifteen (15) feet in height above the OHWM.

15. When appropriate, marinas and boat launch facilities shall install public safety
    signs, to include the locations of fueling facilities, pump-out facilities, and
    locations for proper waste disposal.

16. Boating facilities shall be constructed of materials that will not adversely affect
    water quality or aquatic plants and animals over the long term. Materials used for
    submerged portions, decking and other components that may come in contact with
    water shall be approved by applicable state agencies for use in water to avoid
    discharge of pollutants from wave splash, rain or runoff. Wood treated with
creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited for use in moorage facilities.

17. Boating facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.

18. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and provided that a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

6.3.3.2 Boat Launch Facilities

1. A private boat launch shall be allowed on a parcel or lot only when public boat launches are unavailable within ½-mile upstream or downstream of any property line.

2. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot.

3. Boat launch and haul-out facilities, such as ramps, marine travel lifts and marine railways, and minor accessory buildings shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

4. Boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

6.3.3.3 Marinas

1. Marinas shall be designed to:
   a. provide thorough flushing of all enclosed water areas;
   b. allow the free movement of aquatic life in shallow water areas; and
   c. avoid and minimize any interference with geo-hydraulic processes and disruption of existing shore forms.

2. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

3. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.
4. To the maximum extent possible, marinas and accessory uses shall share parking facilities.

5. New marina development shall provide public access amenities, such as viewpoints, interpretive displays and public access to accessory water-enjoyment uses such as restaurants.

6. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage, and the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.

7. Live-aboards may occupy up to twenty (20) percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Live-aboards are not allowed at joint-use moorages.

8. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste.

9. No commercial or sport fish-processing discharge or discarding of unused bait, scrap fish, or viscera shall be permitted within any marina.

6.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys

1. Mooring buoys shall be used instead of docks and piers whenever feasible.

2. Existing, legally-established, private recreational docks, piers, and floats for individual lots in existing subdivisions and for existing individual single-family developments are considered non-conforming uses and structures. If such dock or float is abandoned, becomes hazardous, or is removed for any reason, it may be replaced with only one joint-use facility that complies with the policies and regulations of this Program. All required permits and approvals shall be obtained prior to commencing construction.

3. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner.

4. Docks and piers for water-dependent commercial and industrial uses shall be allowed to the outer harbor line or combined U.S. Pierhead/Bulkhead line but no more than that required for the draft of the largest vessel expected to moor at the facility. These provisions are also applicable to multiple-use facilities where the majority use is water-dependent and public access can safely be provided.
5. Fixed piers shall not be permitted for residential use on rivers. Docks for residential use on a river shall be securely anchored to pilings to allow for changes in river level, and shall be designed to withstand the one-hundred year-(100-) year flood or be seasonably removable.

6. Commercial covered moorage facilities may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water, including a demonstration that adequate landside sites are not feasible.

7. Covered moorage facilities associated with any residential development shall be prohibited.

8. Provisions for waste discharge shall be made in all proposals for public moorage facilities, and shall include oil containment barriers when required by the U.S. Coast Guard under provisions of the Clean Water Act.

9. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.

10. Residential docks and piers shall be allowed, as follows:

   a. A new private dock or pier serving an individual lot is prohibited, unless it can be demonstrated that such dock or pier will result in no net loss of shoreline ecological function.

   b. New joint-use docks and piers serving two or more lots each with water frontage are allowed if no marina or public boat launch is located within ½-mile of the upstream property line or ½-mile downstream from the downstream property line, and provided they meet the requirements of this Program.

   c. New land divisions with shoreline frontage shall provide for joint-use docks if the proposal includes construction of a dock. Proposed docks and piers shall include no more than one mooring space per dwelling unit. Where a new moorage facility is proposed within a residential waterfront development of more than four (4) units, only one joint-use facility shall be allowed, but only after demonstrating that such use is appropriate for the waterbody. The applicant must also demonstrate that no public moorage facility is available to residents. This condition of approval with required access easements and dedications shall be identified on the face of the plat. In addition, the joint-use dock easement shall be recorded with the County Auditor.

   d. Only a single, joint-use moorage facility shall be permitted in association with hotels, motels, and multi-family residences. No more than one (1) mooring slip per unit shall be allowed.
11. Applicants for joint-use docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties. The applicant shall file a legally enforceable joint use agreement or other legal instrument prior to the issuance of any building permits. The documents shall at minimum address the following:

a. Apportionment of construction and maintenance expenses;
b. Easements and liability agreements; and
c. Use restrictions.

12. Docks and piers shall be designed and constructed to meet the following standards:

a. The maximum dimensions of a dock or pier shall be no greater than necessary, and shall be generally meet the following development standards. These dimensions may be adjusted by the Shoreline Administrator on a case-by-case basis to protect sensitive shoreline resources.
   i. Docks, piers, and ramps shall be no more than 4 feet in width.
   ii. A dock or pier shall be long enough to obtain a depth as required by WDFW at its landward edge, and only as long as necessary to serve the intended use.
   iii. The deck surface of docks and piers shall not exceed three (3) feet in height above the OHWM on the landward side, and shall extend one (1) foot above the water surface at all other locations.

b. Overwater structures shall be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water or stoppers should be installed to prevent grounding out.

c. The portions of piers, elevated docks, and gangways that are over the nearshore/littoral area shall have unobstructed grating over the entire surface area. Floating docks and piers shall have unobstructed grating over at least fifty percent (50%) of the surface area.

d. Piers/anchors and/or ramps shall extend waterward, perpendicular from the ordinary high water mark (OHWM), to a point where the water depth is sufficient to prevent damage to shallow-water habitat.

e. Skirting shall not be placed on piers, ramps, or floats. Protective bumper material will be allowed along the outside edge of the float as long as the material does not extend below the bottom edge of the float frame or impede light penetration.
f. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.

g. Pilings must be structurally sound and cured prior to placement in the water. Pilings employed for docks, piers, or any other structure shall have a minimum vertical clearance of one foot above extreme high water. Pile spacing shall be the maximum feasible to minimize shading and avoid a “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.

h. Docks used for motor boats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.

i. Docks and piers shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties. A copy of such agreement shall be recorded with the County Auditor and filed with the shoreline permit application.

13. Recreational floats shall be designed and constructed to meet the following standards:

a. they shall be located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas.

b. they shall be constructed so that the deck surface is a minimum of one (1) foot above the water surface and with reflectors for night-time visibility.

c. Floats serving the public, a multi-family development, or multiple property owners shall not exceed one hundred (100) square feet; those serving only a legally established single-family residence shall not exceed sixty-four (64) square feet.

14. Mooring buoys shall be placed as specified by WDFW, DNR, and the U.S. Coast Guard to balance the goals of protecting nearshore habitat and minimizing obstruction to navigation. Anchors and other design features shall meet WDFW standards.

15. Mooring buoys shall be discernible from a distance of at least one hundred (100) yards. Only one (1) mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the applicant and documented by the County. In cases such as those of a community park with recreational users or a residential development with lot owners both on and away from the shoreline needing moorage, joint-use facilities shall be used.
16. Mooring buoys for residential use on a river shall be securely anchored to pilings to allow for changes in river level, and shall be designed to withstand the one hundred- (100-) year flood or be seasonably removable.

**6.3.4 Commercial Uses**

1. Water-oriented commercial uses are preferred over non-water-oriented commercial uses.

2. An applicant for a new commercial use or and development shall demonstrate that:
   a. there will not be a net loss of shoreline ecological function by reason of the use or development; and
   b. the use or development will have no significant adverse impacts to other shoreline resources or other shoreline uses.

3. Loading, service areas, and other accessory uses and structures shall be located landward of a commercial structure or underground whenever possible, but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.

4. Where allowed, non-water-oriented commercial uses may be permitted only as part of a mixed-use development that:
   a. Has a formally approved master plan that complies with this Program, including having demonstrated consistency with policies of Section 3.2 if its proposed location is on a shoreline of statewide significance;
   b. includes water-oriented uses; and
   c. provides a significant public benefit such as public access and/or ecological restoration.

5. Non-water-oriented commercial uses may occupy:
   a. Up to a total of twenty-five percent (25%) of the total frontage length of all parcels in the master-planned development (regardless of ownership); or
   b. Up to a total of twenty-five (25%) of the total project area within shoreline jurisdiction of all parcels in the master-planned development (regardless of ownership).

**6.3.5 Forest Practices**

1. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as
amended, and any regulations adopted pursuant thereto (WAC 222), as administered by the Department of Natural Resources.

2. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to Conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent conversion proposals for a period of six (6) years from date of Forest Practices application approval per RCW 76.09.060(3)(d), (e) and (f), RCW 76.09.460, and RCW 76.09.470, subject to the provisions of CCC Sections 40.260.080(A)(4)(a)(2) and (C).

3. With respect to timber situated within two hundred (200) feet landward of the OHWM within shorelines of the statewide significance, Ecology or the County shall allow only selective commercial timber cutting, so that no more than thirty percent (30%) of the merchantable trees may be harvested in any ten- (10-) year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. Exceptions to this standard shall be by conditional use permit only.

4. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered forest practices and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, including vegetation conservation.

6.3.6 Industrial Uses

6.3.6.1 General Requirements

1. Water-oriented industrial uses and development are preferred over non-water-oriented industrial uses and development.

2. Water-related uses shall not displace existing water-dependent uses or occupy space designated for water-dependent uses identified in a substantial development permit or other approval.

3. Water-enjoyment uses shall not displace existing water-dependent or water-related uses or occupy space designated for water-dependent or water-related uses identified in a substantial development permit or other approval.

4. Waterward expansion of existing non-water-oriented industry is prohibited.
5. Proposed developments shall maximize the use of legally-established existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial and port developments shall demonstrate the need for expansion into an undeveloped area.

6. Proposed large-scale industrial developments or major expansions shall be consistent with an officially-adopted comprehensive scheme of harbor improvement and/or long-range port development plan.

7. New facilities for shallow-draft shipping shall not be allowed to preempt deep-draft industrial sites.

8. Ship, boat-building, and repair yards shall employ best management practices (BMPs) with regard to the various services and activities they perform and their impacts on surrounding water quality.

9. Industrial water treatment and water reclamation facilities may be permitted only as conditional uses and only upon demonstrating that they cannot be located outside of shoreline jurisdiction. They shall be designed and located to be compatible with recreational, residential, or other public uses of the water and shorelands.

6.3.6.2 Log Storage

1. Log booming, rafting and storage in the Aquatic shoreline designation shall comply with WAC 332-30-145 or its successor.

2. Log storage shall be permitted in public waters only where:
   a. water quality standards can be met at all times;
   b. grounding will not occur;
   c. associated activities will not hinder other beneficial uses of the water, such as small craft navigation; and
   d. fish and wildlife habitat conservation areas can be avoided.

3. No log raft shall remain in the Aquatic shoreline designation for more than one (1) year, unless specifically authorized in writing.

4. Log storage facilities shall be sited to avoid and minimize the need for dredging in order to accommodate new barging and shall be located in existing developed areas to the greatest extent feasible. If a new log storage facility is proposed along an undeveloped shoreline, an alternatives analysis shall be required that demonstrates that it is not feasible to locate the facility within an existing developed area.
5. A Debris Management Plan describing the removal and disposal of wood waste must be approved by the County. Debris monitoring reports shall be provided, where stipulated. Positive control, collection, treatment, and disposal methods for keeping leachate, bark, and wood debris (both floating and sinking particles) out of surface water and groundwater shall be employed at log storage areas, log dumps, raft building areas, and mill-side handling zones. In the event that bark or wood debris accidentally enters the water, it shall be immediately removed. Surface runoff from log storage areas shall be collected and discharged at only one point, if possible.

6. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under the Endangered Species Act (ESA) shall be re-evaluated if use is discontinued for one (1) year, or if substantial repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water, or, if the site should be used for other purposes that would have lesser impacts on ESA-listed species. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.

7. Non-aquatic log storage areas shall meet the following requirements:
   a. The ground surface of any unpaved log storage area underlain by permeable soils shall be separated from the highest seasonal water table by at least four (4) feet in order to reduce waste buildup and impacts on groundwater and surface water;
   b. Stormwater shall be managed consistent with CCC Chapters 13.26A and 40.385; and
   c. A berm must be located around the outer edge of the upland sort surface using rocks, or other suitable materials to prevent loss of wood debris into the water.

6.3.7 Institutional Uses

1. Water-oriented institutional uses and developments are preferred.

2. Where allowed, non-water-oriented institutional uses may be permitted as part of a mixed use development provided that a significant public benefit such as public access and/or ecological restoration are provided.

3. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible, but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.

4. Where institutional uses are allowed as a conditional use, the following must be demonstrated:
a. A water dependent use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features of the site, or the site’s separation from the water;

b. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and

c. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, and/or access to the shoreline consistent with protection of shoreline ecological function.

6.3.8 Mining

1. An applicant for mining and associated activities within the shoreline jurisdiction shall demonstrate that the proposed activities are dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a).

2. Mining and associated activities shall be designed and conducted to result in no net loss of shoreline ecological functions and processes, and will only be allowed if they will not cause:

   a. Damage to or potential weakening of the structural integrity of the shoreline zone that would change existing aquatic habitat or aquatic flow characteristics;

   b. Changes in the water or exchange of water to or from adjacent water bodies that would damage aquatic or shoreline habitat; and

   c. Changes in groundwater or surface water flow that would be detrimental to aquatic habitat, shoreline habitat, or groundwater.

3. Mining within the active channel(s) or channel migration zone of a stream shall not be permitted unless:

   a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect in-stream habitat or the natural processes of gravel transport for the stream system as a whole.

   b. The mining and any associated permitted activities, such as flood hazard reduction (Section 5.3.4), will not have significant adverse impacts to habitat for priority species nor cause a net loss of shoreline ecological functions.

4. The applicant shall obtain and fully comply with all necessary permits and approvals, including but not limited to, Hydraulic Project Approvals (HPA) from WDFW.

5. A reclamation plan that complies with the format and detailed minimum standards of RCW 78.44 and WAC 332-18 and that meets the provisions of this Program.
shall be included with any shoreline permit application for mining. The proposed subsequent use of mined property must be consistent with the provisions of the shoreline designation in which the property is located, and shall obtain and fully comply with all necessary permits and approvals. Reclamation of disturbed shoreline areas shall provide appropriate ecological functions consistent with the setting.

6. Aggregate washing and ponding of waste water are prohibited in floodways.

7. Disposal of overburden or other mining spoil or non-organic solid wastes shall comply with fill policies and regulations of this Program and other applicable County regulations.

8. In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the County shall require compliance with this Program.

9. Where a lawfully-established mining operation has resulted in the creation of a lake(s) greater than 20-acres and such lake(s) is subject to the provisions of this Program and the Act, such lake(s) shall be given a shoreline designation of Rural Conservancy – Resource Lands or as otherwise adopted. Notwithstanding any other applicable regulations, such mining operations shall be permitted to continue and may be expanded subject to approval of a shoreline conditional use permit.

10. The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231.

6.3.9 Parking

1. Parking as a primary use is prohibited in all shoreline areas.

2. Where parking is allowed as accessory to a permitted use, it shall be located landward of the primary structure as far as possible or within the primary structure.

6.3.10 Recreational Uses

1. Recreational developments shall provide for non-motorized access to the shoreline such as pedestrian and bicycle paths.

2. The minimum width of public access easements for trails shall be twenty (20) feet when a trail is not located within a public right-of-way, unless the Shoreline Administrator determines that undue hardship would result, or that it is impractical or environmentally unsound. In such cases, easement width may be reduced only by the minimum extent necessary to meet public access standards.
3. Recreation areas or facilities on the shoreline shall provide physical or visual public access to the shoreline.

4. Parking areas shall be located upland away from the immediate shoreline, with pedestrian trails or walkways providing access to the water.

5. All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways. The Shoreline Administrator may grant administrative exceptions for non-intensive minor accessory uses (including, but not limited to, picnic tables, playground equipment).

6. Recreational sites with active uses shall be provided with restrooms and hand-sanitizing facilities in accordance with public health standards and without adversely altering the natural features attractive for recreational uses.

7. Recreational facilities shall include features such as buffer strips, screening, fences, and signs, if needed to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.

8. Where fertilizers and pesticides are used in recreational developments, waters in and adjacent to such developments shall be protected from drainage and surface runoff.

9. Golf course structures (clubhouses and maintenance buildings) that are non water-oriented shall be located no closer than one hundred (100) feet from the OHWM of any shorelines of the state.

10. Tees, greens, fairways, golf cart routes, and other site development features shall be located no closer than one hundred (100) feet from the OHWM of any shorelines of the state to the extent practicable. Where unavoidable, such development shall be designed to minimize impacts to shoreline and critical areas and their buffers and mitigate impacts by including ecological restoration and enhancement.

11. Golf course water hazards and stormwater drainage basins shall be managed:

   a. for wildlife through appropriate plantings and measures to maintain or enhance water quality; and

   b. consistent with CCC Chapters 13.26A and 40.385.

12. The setback for water-related and water-enjoyment recreational development in Natural, Urban Conservancy, and Medium Intensity shoreline designations is fifty (50) feet, except trails which may meander between twenty (20) and fifty (50) feet landward of the OHWM to:
a. Respond to site characteristics such as natural topography and existing
vegetation; or

b. Take advantage of opportunities for visual or physical access to the shoreline;
or

c. Connect existing trail easements; or

d. Create an interesting experience for trail users.

A trail project, any portion of which encroaches closer than fifty (50) feet, shall
maintain no net loss of shoreline ecological function and include shoreline
restoration where feasible.

13. The following trail types as described in the Vancouver-Clark Parks & Recreation
Regional Trails and Bikeway Systems Plan (2006) are preferred in the Natural
shoreline designation:
a. Type A3: Primitive Trails or Paths;
b. Type C2: Walking Trails or Paths;
c. Type D1: Equestrian Trails or Paths.

14. When regional or local shared-use or other impervious surface trails are proposed
in the Natural or Urban Conservancy shoreline designations, to respond to
Americans with Disabilities Act (ADA) requirements or other circumstances or
conditions, the project shall maintain no net loss of shoreline ecological functions
and shall include restoration where feasible.

6.3.11 Residential Uses

1. Residential development shall include provisions to ensure preservation of native
vegetation and to control erosion during construction.

2. New residential construction shall be located so as not to require shoreline
stabilization measures.

3. New residential development shall be prohibited in, over, or floating on the water.

4. New residential development shall be located and designed to a density that
minimizes view obstructions to and from the shoreline.

5. Clustering of residential units as permitted by CCC Title 40 shall be allowed
where appropriate to minimize physical and visual impacts on shorelines.

6. In those areas where only onsite sewage systems are available, density shall be
limited to that which can demonstrably accommodate protection of surface and
groundwater quality.
7. New residential development, including sewage disposal systems, shall be prohibited in floodways and channel migration zones.

8. Appurtenances, accessory uses, and facilities serving a residential structure shall be located outside setbacks, critical areas, and buffers unless otherwise allowed under this Program to promote community access and recreational opportunities.

9. New residential lots created through land division in shoreline jurisdiction shall be configured such that:
   a. Structural flood hazard reduction measures are not required and will not be necessary during the life of the development or use;
   b. Shoreline stabilization measures are not required; and
   c. Any loss of shoreline ecological function can be avoided.

10. Where a new moorage facility is proposed within a residential waterfront development of more than four (4) units, only one joint-use facility shall be allowed, but only after demonstrating that such use is appropriate for the waterbody. The applicant must also demonstrate that no public moorage facility is available to residents. This condition of approval with required access easements and dedications shall be identified on the face of the plat. In addition, the joint-use dock easement shall be recorded with the County Auditor.

11. New floating homes are prohibited.

12. Floating homes legally established as of January 1, 2011 are considered conforming uses. A one-time expansion is allowed, as follows:
   a. the expansion maintains the size of the footprint of the existing residence;
   b. the expansion does not exceed the allowed height limit; and
   c. the applicant demonstrates through a letter of exemption that the expansion will result in no net loss of shoreline ecological functions.

13. Legally-established existing residential structures and appurtenances that do not meet the standards of this Program are considered to be conforming. A one-time expansion is allowed, as follows:
   a. the expansion is no more than twenty-five percent (25%) of the habitable floor area of the existing residence;
   b. the expansion does not exceed the allowed height limit;
   c. the expansion is no further waterward of the existing structure; and
d. the applicant demonstrates through a letter of exemption that the expansion will result in no net loss of shoreline ecological functions,

New appurtenances shall meet the setback requirements of this Program.

6.3.12 Signs

1. Free-standing signs shall be for only informational purposes such as directional, navigational, educational/interpretive, and safety purposes, unless otherwise allowed under this Program and as specified in Table 6-1.

2. Signs for commercial purposes shall be limited to fascia or wall signs and as regulated by CCC Chapter 40.310, unless otherwise provided for in this chapter for specific uses.

3. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access corridors to the shoreline.

4. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.

5. Illuminated signs shall be limited to informational, directional, navigational or safety purposes and shielded so as to eliminate glare when viewed from surrounding properties or watercourses.

6.3.13 Transportation Uses

1. All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life, and their habitats.

2. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction wherever possible, or set back from the ordinary high water mark far enough to make shoreline stabilization, such as riprap, bulkheads or jetties, unnecessary.

3. Transportation facilities shall not adversely impact existing or planned water-dependent uses by impairing access to the shoreline.

4. All roads shall be adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.

5. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible to
reduce shade impacts. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.

6. Fills for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this program.

7. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies.

6.3.14 Utility Uses

These provisions apply to services and facilities that produce, convey, store, or process power, gas, wastewater, communications, and similar services and functions. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence or other approved use are “accessory utilities” and shall be considered a part of the primary use.

1. Whenever feasible, all utility facilities shall be located outside shoreline jurisdiction. Where distribution and transmission lines (except electrical transmission lines) must be located in the shoreline jurisdiction they shall be located underground.

2. Where overhead electrical transmission lines must parallel the shoreline, they shall be outside of the two hundred (200) foot shoreline environment unless topography or safety factors would make it unfeasible.

3. Utilities, including limited utility extensions, shall be designed, located and installed in such a way as to preserve the natural landscape, minimize impacts to scenic views, and minimize conflicts with present and planned land and shoreline uses.

4. Transmission, distribution, and conveyance facilities shall be located in existing rights-of-way and corridors or shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

5. Utility production and processing facilities, such as power plants and wastewater treatment facilities, or parts of those facilities that are non-water-oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.

6. Stormwater control facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the stormwater facilities are designed to mimic and resemble natural wetlands, ponds, or closed depressions, and meet applicable water quality requirements of CCC Chapter 40.385.
7. Stormwater outfalls may be placed below the OHWM to reduce scouring, but new outfalls and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. In river and stream shorelines, stormwater outfall structures may require permanent bank hardening to prevent failure of the outfall structure or erosion of the shoreline. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to nearshore habitats.

8. Water reclamation discharge facilities such as injection wells or activities such as land application are prohibited in the shoreline jurisdiction, unless the discharge water meets Ecology’s Class A reclaimed water standards. An applicant for discharge of Class A reclaimed water in the shoreline jurisdiction shall demonstrate habitat benefits of such discharge.

9. Where allowed under this Program, construction of underwater utilities or those within the wetland perimeter shall be scheduled to avoid major fish migratory runs or use construction methods that do not cause disturbance to the habitat or migration.

10. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall be equipped with automatic shut off valves.

11. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is fully established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.

6.4 Shoreline Modification Regulations

6.4.1 General Requirements

1. Shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect an allowed use or structure or are necessary for reconfiguration of the shoreline or bedlands to allow an allowed water-dependent use or for shoreline mitigation or enhancement purposes.

2. Modifications shall only be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions.

3. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
6.4.2 Dredging and Dredge Material Disposal

6.4.2.1 Dredging

1. Non-maintenance dredging shall be avoided where possible. New dredging shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines, unless one or more of these impacts cannot be avoided. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.

2. Maintenance dredging of established navigation channels and basins shall be restricted to managing previously dredged and/or existing authorized location, depth and width.

3. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places, the Washington Heritage Register, and/or the Clark County Historic Register until such time that they have been reviewed and approved by the appropriate agency.

4. Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created to mitigate for the dredging project.

5. New dredging activity is prohibited in the following locations:
   a. Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered, or irretrievably lost;
   b. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity which result in the need for continual maintenance dredging; and
   c. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.

6. Nearshore or landside disposal of dredge materials shall not be located upon, adversely affect, or diminish:
   a. Stream mouths, wetlands, or significant plant communities (approved mitigation plans may justify exceptions);
   b. Prime agricultural land except as enhancement;
c. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;

d. Designated or officially recognized wildlife habitat and concentration areas;

e. Water quality, quantity, and drainage characteristics; and

f. Public access to shorelines and water bodies.

7. Dredging and dredge disposal shall be scheduled to protect biological productivity (including but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (including but not limited to, drift netting and crabbing) during a fishing season unless specifically addressed and mitigated for in the permit.

8. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.

9. Dredging shall be permitted only:

a. For navigation or navigational access;

b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;

c. As part of an approved habitat improvement project;

d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from re-entering the water;

e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or

f. To acquire sand and gravel for commercial purposes from within the Columbia River.

10. Dredging for fill is prohibited except where the material is necessary for restoration of shoreline ecological functions.

6.4.2.2 Dredge Material Disposal

1. Dredge material disposal shall be avoided where possible. Dredge disposal shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to
water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.

2. Dredged material shall be disposed of on land only at sites reviewed and approved by the USACOE and the Shoreline Administrator. Applicants shall demonstrate that the proposed site will ultimately be suitable for a use permitted by this Program. Disposal shall be undertaken such that:
   a. The smallest possible land area is affected, unless dispersed disposal is authorized as a condition of permit approval for soil enhancement or other purposes;
   b. Shoreline ecological functions and processes will be preserved, including protection of surface and groundwater;
   c. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and
   d. Sites will be adequately screened from view of local residents or passersby on public right-of-ways to the maximum extent practicable.

3. The following conditions shall apply to land disposal sites:
   a. Springs and aquifers shall be identified and protected.
   b. Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling.
   c. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainage ways.
   d. There shall be a single point of ingress and egress for removal of the de-watered material.
   e. Runoff shall be directed through grassy swales or other treatment features that assures protection of water quality and a location that maximizes circulation and fishing.
   f. Sites shall be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions.
   g. Vegetation shall be maintained by the property owner.
h. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within the jurisdiction of this Program, shall comply with the fill regulations.

i. The requirements of CCC Chapter 13.26A shall be met.

4. Dredged material shall be disposed of in water only at sites approved by the USACOE and the Shoreline Administrator. Disposal techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only if:

a. Land disposal is infeasible, less consistent with this Program, or prohibited by law;

b. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;

c. Offshore habitat will be protected, restored, or enhanced;

d. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;

e. Shifting and dispersal of spoil will be minimal; and

f. Water quality will not be adversely affected.

5. The deposition of dredged materials in water or wetlands shall only be in approved, open water disposal sites, and shall be permitted only:

a. To improve wildlife habitat;

b. To correct material distribution problems adversely affecting fish habitat;

c. To create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit; or

d. When land deposition is demonstrated to be more detrimental to shoreline resources than water deposition.

6.4.3 Flood Control Works and In-stream Structures

6.4.3.1 Flood Control Works

1. Dikes and levees shall only be authorized by conditional use permit.

2. Dikes and levees shall protect the natural processes and resource values associated with streamways and deltas including but not limited to wildlife habitat.

3. Springs and aquifers shall be identified and protected.
4. Public access shall be provided in accordance with public access policies and regulations of this Program.

5. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the protected flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification.

6. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or stream area unless part of a comprehensive flood and habitat enhancement plan, and then only by conditional use.

7. Removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and with this Program, and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological functions, and is part of a comprehensive flood management solution.

Flood Control Works Design

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Hydraulic Project Approval, and in consideration of resource agency requirements and recommendations.

2. Dikes and levees shall be set back at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion. Where bank dikes have already cut off point bars from the edge of the floodway, consideration should be given to their relocation in order to lower flood stages and current velocities.

3. Where dikes are necessary in intermediate gradient floodways to protect fringe areas, tangent diking is preferred over bank levees. Dikes and levees shall be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity.

4. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.

5. The outside face of dikes shall be sloped at 1.5:1 (horizontal to vertical) or flatter, and seeded with native grasses.

6. Structural flood hazard reduction measures shall be placed landward of associated wetlands and vegetation conservation areas unless there is no other feasible alternative to reduce flood hazard to existing development.
6.4.3.2 In-stream Structures

1. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The County may condition the permit to achieve this objective by requiring that the development include features such as setbacks, buffers, or storage basins.

2. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline ecological function or are a threat to public safety.

3. In-stream structures shall provide for adequate upstream or downstream migration of anadromous fish, where applicable.

4. In-stream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.

In-stream Structures Design & Placement

1. In-stream structures and their support facilities shall be located and designed to avoid the necessity for shoreline defense structures. Shoreline defense structures shall be minimized and any impacts mitigated. All diversion structures shall be designed to permit natural transport of bedload materials.

2. Materials adequate to immediately correct emergency erosion situations shall be maintained on-site.

3. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body, including a wetland, by erosion, from drainage, high water, or other vectoring mechanisms.

4. All heavy construction equipment, and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline ecological functions. Powerhouses, but not raceways, shall be located farther than one hundred (100) feet from the OHWM unless there is no feasible alternative and any unavoidable impacts are minimized and mitigated. Penstocks shall be located, designed, and constructed so as to present as low a profile as possible. Powerhouses and penstocks shall be located and designed to return flow to the stream in as short a distance as possible.

5. A mitigation plan that details the objectives of the mitigation activities shall be prepared by the applicant, and be subject to approval by the appropriate authority.

6.4.4 Shoreline Restoration and Enhancement

1. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes and/or shoreline features should be targeted
toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species, and shall be given priority.

2. Shoreline restoration, enhancement, and mitigation activities designed to create dynamic and sustainable ecosystems to assist the County in achieving no net loss of shoreline ecological functions are preferred (see Section 5.5).

3. Restoration activities shall be carried out in accordance with an approved shoreline restoration plan, and in accordance with the provisions of this Program.

4. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the Shoreline Restoration Plan.

5. Habitat and beach creation, expansion, restoration, and enhancement projects may be permitted subject to required state or federal permits when the applicant has demonstrated that:
   a. The project will not adversely impact spawning, nesting, or breeding fish and wildlife habitat conservation areas;
   b. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected.
   c. Water quality will not be degraded;
   d. Flood storage capacity will not be degraded;
   e. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
   f. The project will not interfere with the normal public use of the navigable waters of the state.

6. The County shall review the projects for consistency with this Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant (see Sections 2.3.2(16) and 7.5).

6.4.5 Shoreline Stabilization – General

1. New shoreline stabilization for new development is prohibited unless it can be demonstrated that the proposed use cannot be developed without shore protection or is necessary to restore ecological functions or hazardous substance remediation.

2. Proposed designs for new or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines, must use best
available science, must document that alternative solutions are not feasible or do not provide sufficient protection; must demonstrate that future stabilization measures would not be required on the project site or adjacent properties; and be certified by a qualified professional.

3. Land subdivisions and lot line adjustments shall be designed to assure that future development of the newly-created lots will not require structural stabilization for subsequent development to occur.

4. New or expanded structural shoreline stabilization for existing primary structures, including roads, railroads, and public facilities, is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three (3) years as a result of shoreline erosion caused by stream processor waves, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.

5. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities including roads, bridges, railways, and utility systems from erosion caused by stream undercutting or wave action; provided that, the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall 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. Proposed designs for new or expanded shore stabilization shall be in accordance with applicable Ecology and WDFW guidelines and certified by a qualified professional.

6. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three (3) years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

7. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 are exempt and will be regulated under the state process. Stabilization projects that are not part of such a fish enhancement project will be regulated by this Program.

8. Small-scale or uncomplicated shoreline stabilization projects (for example, tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.

9. Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science.
The applicant may be required to have a qualified professional oversee construction or construct the project.

10. Standards for new stabilization structures when found to be necessary include limiting the size to minimum, using measures to assure no net loss of shoreline ecological functions, using soft approaches, and mitigating for impacts.

6.4.6 Bioengineered Stabilization

1. All bioengineered projects shall be designed in accordance with best available science and use a diverse variety of native plant materials including but not limited to trees, shrubs, forbs, and grasses, unless demonstrated infeasible for the particular site.

2. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that within three (3) years time all vegetation is fully re-established. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.

3. Bank protection in the form of a buffer zone shall be provided for a minimum of three (3) years. The buffer zone shall exclude livestock, vehicles, and/or other activities that could disturb the site.

4. All bioengineered projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.

5. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

6.4.7 Structural Stabilization

Structural stabilization may be allowed when:

1. The requirements of Section 6.4.5 are met;

2. Alternative measures are demonstrated to be infeasible or insufficient through a geotechnical analysis by a qualified professional;

3. The structural stabilization is designed and installation overseen by a qualified professional;

4. The structural stabilization is designed so that future stabilization measures will not be necessary on the subject property or other properties;

5. The size of the shoreline stabilization structure is limited to the minimum necessary; and
6. Impacts are mitigated to result in no net loss of shoreline ecological functions.

6.4.7.1 Bulkheads

Bulkheads - General

1. All bulkheads must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

2. Bulkheads shall be allowed only when evidence is presented that conclusively demonstrates that one of the following conditions exists:

   a. Serious wave erosion threatens an established primary use or existing primary building(s) on upland property;

   b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this Program, provided that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options), and that such bulkheads meet other policies and regulations of this chapter; or

   c. Proposals for bulkheads have first demonstrated that use of natural materials and processes and nonstructural solutions to bank stabilization are unworkable in protecting existing development.

3. Use of a bulkhead to protect a platted lot where no structure presently exists is prohibited.

4. Natural materials and processes such as protective berms, drift logs, brush, beach feeding, or vegetative stabilization shall be utilized to the maximum extent possible.

5. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.

6. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.

Bulkhead Location

1. Bulkheads shall not be located on shores where valuable geohydraulic-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marches, wetlands, or accretion shoreforms such as spits, hooks, bars, or barrier beaches.
2. Bulkheads are to be permitted only where local physical conditions such as foundation bearing material, surface, and subsurface drainage are suitable.

3. On all shorelines, bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural), and generally parallel to the natural shoreline. In addition:
   a. On bluff or bank shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the bank as possible, and in no case shall it be more than three (3) feet waterward from the toe of the natural bank.
   b. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that (1) the adjoining bulkheads were built at or near the OHWM, and (2) the new bulkhead does not extend more than three (3) feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM, and shall be contoured to minimize the land area waterward of the required setback, that shall be met on the side not abutting an existing bulkhead.

4. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead, provided that replacement bulkheads shall not be authorized abutting an abandoned or neglected bulkhead, or a bulkhead in serious disrepair that is located more than three (3) feet waterward of OHWM. Replacement of such bulkheads shall be located at OHWM.

**Bulkhead Design**

1. Bulkhead design and development shall conform to all other applicable state agency policies and regulations, including the WDFW criteria governing the design of bulkheads.

2. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.

3. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.

4. Bulkheads shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil/materials.

5. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.

6. Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of it.
7. Materials used in bulkhead construction shall meet the following standards:
   a. Bulkheads shall utilize stable, non-erosional, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials that will accomplish the desired end with the maximum preservation of natural shoreline characteristics.
   b. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit, and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.

8. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this Program are feasible, because of their limited durability and the potential hazard to shore users and the shoreline environment.

9. Fill behind bulkheads shall meet the requirements in Section 5.6.2 for grading, fill, and excavation.

6.4.7.2 Revetments

Revetments - General

1. Revetments must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

2. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.

3. Design of the proposed revetment shall incorporate proper consideration of:
   a. data on local geophysical conditions;
   b. data on stream flow, velocity, and/or flood capacity; and
   c. effects on adjacent properties.

4. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.

5. Revetments shall only be used when habitat-friendly alternatives are not feasible.
Revetment Design

1. When permitted, the siting and design of revetments shall be performed using appropriate engineering principles, including guidelines of the Natural Resources Conservation Service and the USACOE.

2. Revetments shall be constructed using techniques and materials that will enhance natural shoreline values and functions, including fish and wildlife habitat, water quality, vegetation, and aesthetics. The following techniques and materials shall be used:
   a. Riprap material shall consist of clean quarried rock, free of loose dirt and any pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action. Tires, automobile bodies, scrap metal paper products, and other inappropriate solid waste materials shall not be used for riprap.
   b. Use of downed logs, snags, or rock-work to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate.
   c. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion, provide cover, shade and habitat, and improve the natural appearance of the shoreline, consistent with the applicable vegetation management provisions of this master program.

3. If an armored revetment is employed, the following design criteria shall be met:
   a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
   b. Filter cloth must be used to aid drainage and help prevent settling; and
   c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action for the anticipated life of the project.

4. The area shall be restored as nearly as possible to pre-project condition, including replanting with native species and maintenance care until the newly planted vegetation is established.

6.4.7.3 Breakwaters, Jetties, Rock Weirs, and Groins

Breakwaters, Jetties, Rock Weirs, and Groins - General

1. Breakwaters, jetties, rock weirs, and groins are allowed only by conditional use and where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes such as protection from strong wave action. Applicants proposing groins, jetties, and solid breakwaters shall
notify all shoreline landowners within the same drift sector. If it is not possible to make a reasonable determination of the drift sector, all shoreline land owners within one (1) mile of the project proposal shall be notified.

2. The effect of proposed breakwaters, jetties, rock weirs, and groins on sand movement shall be evaluated during permit review. The beneficiaries and/or owners of large-scale defense works that substantially alter, reduce, or block littoral drift, and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach feeding program either by artificially transporting sand to the downdrift side of an inlet with jetties or by artificial beach feeding in the case of groins, breakwaters, and rock weirs.

3. The effect of proposed breakwaters, jetties, rock weirs, and groins on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

**Breakwaters, Jetties, Rock Weirs, and Groins Location**

1. Breakwaters shall be prohibited in lakes.

2. Jetty, rock weir, or groin development that would result in a net adverse impact on adjacent and nearby properties and shorelines is prohibited.

**Breakwaters, Jetties, Rock Weirs, and Groins Design**

1. Proposed designs for new or expanded breakwaters, jetties, rock weirs, and groins shall be designed and certified by a registered civil engineer.

2. The design of breakwaters, jetties, rock weirs, and groins shall conform to all applicable requirements established by WDFW and the USACOE. Breakwaters, jetties, rock weirs, and groins shall be designed and constructed in a manner that will prevent detrimental impacts on water circulation, sand movement, and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.

3. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access such as sightseeing and public fishing if it is determined such access is feasible and desirable. Open-pile or floating breakwaters shall be the only type allowed unless it can be shown that solid breakwaters will have no significant adverse effect on the aquatic biology and shore processes, or that such adverse effects can be adequately mitigated.

4. Materials used for the construction of breakwaters, jetties, rock weirs, and groins shall exhibit the qualities of long-term durability, ease of maintenance, and compatibility with local shore features, processes, and aesthetics. The use of solid waste, junk, or abandoned automobiles, asphalt, or any building demolition debris is prohibited.
5. Floating breakwaters shall be used in place of solid, rubble mound types wherever they can withstand anticipated wave action in order to maintain sand movement and protect fish and aquatic habitat.