COASTAL ZONE INFORMATION CENTER

CITY OF DUPONT

SHORELINE DEVELOPMENT PROPOSAL

REVIEW CRITERIA

JULY 1977

THIS REPORT WAS FINANCED BY A GRANT FROM THE WASHINGTON STATE DEPARTMENT OF ECOLOGY WITH FUNDS FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND APPROPRIATED FOR SECTION 306 OF THE COASTAL ZONE MANAGEMENT ACT OF 1972.

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CITY OF DUPONT

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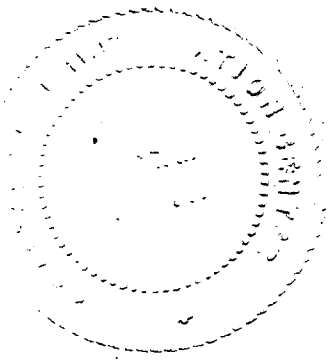

INTRODUCTION

The purpose of this document is to provide a framework within which the City of DuPont's elected and appointed officials may evaluate proposals for development on or near the City's shorelines.

Presented herein are two sections including a brief overview of the Coastal Zone Management Legislation relevant to DuPont and development review criteria. "General Regulations", as presented in the latter, are reflective of the City of DuPont Shoreline Master Program. Those developments proposed for land adjacent to designated shoreline environments should be assessed in a manner which reinforces these general regulations, thus providing a comprehensive approach to the management of DuPont's shoreline resources.

Finally, a State Environmental Policy Act (S.E.P.A.) informational memorandum is provided as an appendices.

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COASTAL ZONE MANAGEMENT LEGISLATION

The Shorelines Management Act of 1971 and the Washington State Coastal Zone Management Program regulate the use of Washington's salt and fresh water shorelines* in terms of development policies, and permit procedures.

Local governments are given primary regulatory responsibility for the shorelines within their jurisdiction. This regulation is accomplished through local shoreline master programs.

Local master programs must reflect the policies and permit procedures of the state's Shoreline Management Act. Allowable uses of the shoreline are a function of development policies. Therefore, by establishing statewide development policies the Shorelines Management Act, to some degree dictates the uses of the shorelines within each political subdivision of the state. The state of Washington Department of Ecology (DOE) is empowered to review local master programs.

The City of DuPont Shoreline Master Program, as developed by a citizens' advisory committee, was approved by DOE June 3, 1975. Under state law, DuPont's shorelines were divided into two classifications; urban and conservancy.

The Washington Administrative Code defines the urban environment as follows: the objective of the urban environment is to insure optimum utilization of shorelines within urbanized areas by providing for intensive public use and by managing development so that it enhances and maintains shorelines for a multiplicity of urban uses.

The urban environment is an area of high-intensity land-use including residential, commercial and industrial development. The definition also states that the urban designation is particularly suitable for areas

*Note: Shorelines are defined as 200 feet landward of the line of mean high or higher water or 200 feet landward of the line of vegetation.

planned to accommodate urban expansion and that use priority within the urban designation should emphasize water dependant industrial and commercial uses requiring frontage on navigable waters. Public access, both physical and visual is also given high priority.

The Washington Administrative Code also defines the conservancy environment stating, "the objective in designating a conservancy environment is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to insure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization."

The conservancy environment is for those areas which are intended to maintain their existing character. The Code further states that preferred uses of the conservancy environment are those which do not disrupt the physical and biological resources of the area. Diffuse outdoor recreation is offerred as an example.

The City Master Program identifies allowable uses of the shoreline within both environment designations. Therefore, when evaluating a proposal for development upon the shorelines the environmental designation of the subject property is the initial consideration. This process is reflective of the control of land use exercised by the City through the zoning ordinance. Uses of DuPont's shoreline, not allowed unconditionally by the Master Program, may be allowed by conditional use permit or variance. This process, again, is reflective of the city zoning ordinance.

DEVELOPMENT REVIEW CRITERIA

Note: The review criteria presented herein are only reflective of the adopted City of DuPont Shorelines Master Program. Specific question must be resolved by refering to that document.

INTRODUCTION

From the point where the northern city boundary meets Puget Sound, southward approximately two thousand two hundred and fifty (2,250) feet, DuPont's shorelines are designated urban. The remainder of the City's marine shoreline is designated conservancy. Additionally, DuPont's Master Program designates Sequalitchew Creek and associated marshes urban, provided that no structures can be built within fifty feet of the ordinary high water mark of the marsh.

Allowable uses of these shoreline areas are summarized in Figure 1. Development proposal review criteria are presented by defined proposal type in the following pages.

SHORELINE USE

SUMMARY

USE ACTIVITY	URBAN	CONSERVANCY
Water Dependent Commercial/Industrial	P	C.U.
Water Related Commercial/Industrial	P	C.U.
Non-water Related Commercial/Industrial	C.U.	X
Marinas	P	X
Outdoor Adverising Signs/Billboards	P	P
Residential Development	P	P
Ports and Water Related Industry	P	X
Roads and Rail Roads	P	P
Utilities	P	P
Solid Waste Disposal	X	X
Agricultural Uses	P	P
Forest Management Practices	N/A	P
Archaeological/Historical Sites	P	P
Bulkheads	P	C.U.
Jetties and Groins	P	C.U.
Breakwaters	P	C.U.
Piers	C.U.	C.U.
Landfill	P	C.U.
Dredging	P	P
Recreational Activities	P	P
Effluent Disposal	P	P
Aquaculture Practices	P	P
Mining	C.U.	C.U.
Shoreline Flood Protection	P	P

N/A = Not Applicable

P = Use is permitted subject to general regulations of Master Program

C.U. = Use is permitted by conditional use permit

X = Use is not permitted

OUTDOOR ADVERTISING

SIGNS AND BILLBOARDS

A. DEFINITION

Outdoor Advertising signs and Bill Boards - For the purpose of this section shall mean signs displayed outdoors for the purpose of providing information, direction, or advertising.

B. GENERAL REGULATIONS

1. The location, erection and maintenance of all signs must comply with City of DuPont sign regulations.
2. Off-premise outdoor advertising sings, displays and billboards are prohibited in all shoreline environments.
3. The appropriate reviewing authority must be satisfied that proposed commercial signs, warning signs, informational signs, etc. will be designed, located and maintained in a manner that will not restrict the enjoyment of the shoreline resource.
4. No signs will be erected or maintained upon trees, or drawn or printed upon rocks or other natural features.
5. The height of any building mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.
6. On-premise signs shall be permitted only when solely for identification and information purposes when an integral part of the structure, and when scenic areas are complemented or anhanced. Signs must be designed and colored in a manner which harmonizes with the surrounding environment.
7. Urban Environment: Uses permitted.
    a. Commercial signs, warning signs and informational signs are permitted subject to general regulatory standards.
    b. Signs may be illuminated, however, signs which blink or flash or which have changing images, or which in any way give the appearance of movement are prohibited.
    c. Strings of pennants, banners or streamers, festoons of lights, clusters of flags, wind-animated objects, balloons and similar

devices of a carnival nature are prohibited. Not prohibited are national, state and institutional flags properly displayed or temporary decorations customary for special holidays such as Independence Day, Christmas and similar events of a public nature.

8. Conservancy Environment: Uses Permitted.

   a. Warning signs and informational signs are permitted in the conservancy and natural environments subject to the general regulatory standards.

   b. Not prohibited are national, state and institutional flags properly displayed or temporary decorations customary for special holidays such as Independence Day, Christmas and similar events of a public nature.

MARINAS

A. DEFINITION

MARINA - For purposes of this section marinas shall mean facilities which provide boat launching, storage, supplies and services for small pleasure craft, of both open and solid construction types.

B. GENERAL REGULATIONS

1. Shallow water embayments with poor flushing action shall not be considered for overnight and long-term moorage facilities.
2. All marina developemnts must comply with Department of Fisheries and Health Services regulations pertaining to marina construction and location.
3. Developers of marinas must be able to show at the proposed intensity of useage:
    a. That the proposed site has the flushing capacity required to maintain water quality.
    b. That the proposed facility is compatible with the local environment.
    c. That adequate facilities for the prevention and control of fuel spillage are incorporated into the marina proposal.
    d. That the proposed facility will not seriously restrict the movement of sea life requiring shallow water.
    e. That the proposed facility will not be located on a site needed for natural stocks of shellfish or fin fish, including spawning, feeding and rearing areas.
    f. That recognition has been given to the possible detrimental impact that the development might have on the visual access of upland owners.
4. Swimming shall be prohibited within marina facilities unless the swimming area is adequately separated and protected.
5. Accessory buildings, such as storage sheds and service repair buildings shall be located away from the mean high water mark and adequately screened.
6. Any structure, with the exception of derricks or other launching devices, which exceeds a height of thirty-five (35) feet shall be considered a conditional use.
7. Adequate garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to the operator.

8. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage or toxic materials where all marina users may easily read them.
9. All vessel related facilities should be equipped to prevent sewage discharges (holding tanks and pump-out facilities for small craft).
10. Parking areas associated with marinas must be set back from the water and screened with the dual objective of making the area as visually unobjectionable as possible and removing them from the shorelines immediately adjacent uplands.
11. Marinas shall be of the dry land variety, occupying inland locations unless the developer can show that an open pile work or floating breakwater marina would be more appropriate and would not have significant detrimental impacts on the environment.
12. Proposals for marinas shall indicate how the applicant intends to incorporate launch facilities or shall state why such facilities are not included in the project.
13. Covered moorages are not permitted in areas determined by the appropriate reviewing authority to be of high scenic value.
14. Where covered moorages are utilized a dock shall be provided to the public for viewing the water and for fishing when feasible and appropriate.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT

A. DEFINITION

1. COMMERCIAL DEVELOPMENT - For this section commercial developemnts are those uses which are involved in wholesale and retail trade of business activity.
2. LIGHT INDUSTRIAL DEVELOPMENT - Light Industrial developments are those industrial operations of less impact on surrounding properties in terms of nuisance factors, hazard, or exceptional demands upon public facilities and servies, than heavy industrial uses.

B. GENERAL REGULATIONS

The following regulations apply to commercial and light industrial developments in all shoreline environments.

1. Developers of commercial and light industrial activities must be able to demonstrate the following to the satisfaction of the appropriate reviewing authority.
   a. Need for shoreline frontage.
      The appropriate reviewing authority shall determine if the proposed development is water dependent, water related, non-water related or prohibited.
   b. Methods of erosion control to be utilized during and after major construction.
   c. Solutions to the problems of contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff where such runoff results in adverse downstream effects.
   d. That the proposed development site is suited for commercial or light industrial development and will not cause severe negative impacts upon the environment if the project is completed. Soil Conservation Service soils maps and interpretations or other technical data may be used for this purpose.
2. Only parking appropriate and necessary for commercial use activity shall be permitted.
3. Parking areas associated with commercial uses must be set back on the upland side of the commercial activity and appropriately landscaped.

4. New shoreline parking facilities shall be allowed only if it can be demonstrated that shuttle bus service, or other transit alternatives from remote parking areas, are not practical means of meeting public access requirements.
5. Any building over 35 feet in height above the average grade occupied by the building shall be considered a conditional use.
6. Commercial structures shall blend well with surrounding structures in height, bulk and color; provide visual and physical access to the shorelines; not have significant adverse impact on the visual quality of clean air and water; and not generate unsightly congestion or noise.
7. Compatitibility of design should be encouraged. This means harmony not uniformity.
8. Fuel sales on the shoreline are prohibited except at marina locations.
9. All loading and service areas, which are not water dependent, associated with commercial and light industrial developments shall be located on the upland side of the commercial activity or provisions must be made to screen the loading service area.
10. The City may require provision for public access in commercial developments when the appropriate reviewing authority determines that such multiple use is in the public interest and unless the applicant can show that reasonable safety precautions preclude such access.
11. Piers/docks will be permitted to the outer harbor line or combined U.S. pier head/bulklead line for water dependent or water related uses.
12. Piers/docks extending to the outer harbor or combined U.S. pierhead/bulkhead line will be permitted for multi-use facilities if the majority use is water dependent and public access is provided (when public safety can be assured).
13. Joint or shared use of piers and other saltwater structures is preferred over single purpose use.
14. The maximum intrustion into the water shall be no more than that required for the draft of the largest vessel expected to moor at the facility and in no case shall intrusion extend beyond the outer harbor line.

RESIDENTIAL DEVELOPMENT

A. DEFINITION

RESIDENTIAL DEVELOPMENT - For the purpose of this section residential development shall mean the construction of any dwelling unit whatsoever and including the subdivision of land incidental thereto.

B. GENERAL REGULATIONS

1. Uses Prohibited: The following uses shall not be permitted in any shoreline environment.
   a. Residential development or accessory buildings or structures erected, constructed or placed over surface waters.
   b. Houseboats
   c. Buildings and structures over thirty-five (35) feet in height, unless authorized by issuance of a conditional use permit by the appropriate reviewing authority.
   d. Public or private roads, the principal purpose of which is to provide access to two or more lots, shall not be located between the lots they are intended to serve and the shoreline.
   e. Residential lots of a multi-lot subdivision which directly abut the natural shoreline or lawfully established bulkhead.
   f. Bulkheading, filling, substantial regrading or any other similar structure or activity shall not be permitted when such structures or activities are clearly non-essential for the reasonable use or production of the lot or tract upon which it is located.
2. General Performance Standards - In addition to other considerations, any residential development proposed after the effective date of the City of DuPont Shorelines Master Program shall be reviewed by the appropriate reviewing authority for compliance with the following minimum performance standards:
   a. Utilities: There shall be provided for each residential development site adequate provision for a potable water supply, a system for disposal of sewage and storm water discharge approved by and consistent with city, county and/or state and federal regulations.

b. The developer must be able to demonstrate methods of erosion control to be utilized during and after project construction, and methods proposed to minimize disturbance of shoreline vegetation.

c. The developer must provide solutions to the problems of contamination of surface waters, depletion and contamination of ground water supplies and the generation of increased surface runoff into water bodies.

d. The developer must demonstrate that the proposed development site is suited for residential use and will not cause severe negative impacts on the environment if the project is completed. All available technical data may be used for this purpose.

e. The developer must demonstrate that the proposed development site is not located in areas subject to flooding, high winter water table, landslides, or other locations having significant hazard to life and property and likely to require future public funds to protect or rehabilitate. All available technical data may be used for this purpose.

f. The developer must demonstrate that access roads and utility corridors to development sites have been planned with the same considerations set forth in the policy section of the Master Program.

g. In any development site containing two or more residential units, a common natural open space area shall be provided and maintained between the shoreline and the first tier of lots adjacent to the shoreline for the benefit, use and enjoyment of all lots within said subdivision and for the purpose of maintaining the natural visual appearance of the waterfront. However, if due to topography another site would be more appropriately used as open space, and it is determined that linear access is not required, the Planning Agency may allow an equivalent area to be utilized as open space.

h. All new platting on streams shall include a pedestrian easement along the stream bank. Said easement shall be a minimum width on a horizontal plane from ordinary high water as necessary for a practical trail which will not damage stream banks.

The City may require dedications of access to public waters in new plats or building sites on all shorelines if the appropriate reviewing authority determines that adequate public access does not presently exist in the area.

3. Bulk Regulations: The following shall be deemed to be the minimum requirements for residential development, except for PDD's.

   a. Lot coverages: Not more than 33-1/3% of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.

   b. Front yard setbacks: 35 feet from the edge of the right-of-way of a primary state or county road, 25 feet from all other public or private roads, 15 feet from all access easements serving as primary access to not more than four dwelling units.

   c. Side yard setbacks: 8 feet for lots having a width of 60 feet or greater, 5 feet for lots having a width of less than 60 feet, but in no event shall be less than 30 feet from the ordinary high water line or lawfully established bulkheads.

   d. Rear yard setbacks: 30 feet from the ordinary high water line or lawfully established bulkheads.

   e. Off-street parking: At least 1 but no more than 3 off-street parking spaces shall be provided for each dwelling unit on a site or tract of land subject to the limitations of total lot coverage. No parking area shall be located within 30 feet of the ordinary high water mark.

   f. Site preparation: It shall be the intent of this regulation to require the maintenance, enhancement and preservation of the natural site amenities. To this end the City may limit the extent of grading and clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.

4. Bulk Regulations: Density

   a. One or two family detached dwellings on an individual lot or tract, or regulated by the Zoning District but not more than 3-1/3 single family dwelling units for each net acre or proportionally for a fraction thereof. For duplexes the density shall not exceed 2.2 dwelling units for each net acre or proportionally for a fraction thereof.

   b. Subdivision, group or cluster housing shall not exceed 5.5 dwelling units per net acre or fraction thereof.

   c. Multi-family: shall not exceed 15 dwelling units per net acre or fraction thereof.

PORTS AND WATER RELATED INDUSTRY

A. DEFINITION

Ports and Water Related Industry - For the purpose of this section port shall be considered either a generic or legal term, indicating a center for water-borne traffic. Water related Industry shall mean those industrial uses which are not intrinsically dependent on a waterfront location but whose operation cannot occur economically at this time, without a shoreline location.

B. GENERAL REGULATIONS

The following regulations apply to port and water-related industrial development in all shoreline environments.

1. New or expanded facilities for water transport of bulk crude petroleum shall be prohibited.
2. Petroleum sump ponds shall be covered, screened and sheltered to prevent wildlife kill.
3. Developers of port facilities or water-related industry must be able to demonstrate the following:
   a. that the proposed use is dependent on a shoreline location.
   b. that the proposed development site is suited for port or industrial use, and that an environmental impact statement has been prepared.
   c. that any proposed expansion will not occur on Class II agriculture land as determined by the Soil Conservation Service and consistent with the greatest public need.
   d. that adequate means will be employed for the safe handling of toxic materials and fuels to prevent them from entering the water, and that adequate means will be employed for those spills that do occur.
   e. that proposed new piers, storage and parking areas are required for purposes that cannot be accommodated through shared use of existing facilities.
   f. that consideration has been given to and plans made to mitigate negative external effects on adjacent communities including but not limited to air, water and noise pollution, and loss of fish and wildlife habitat.

4. Sewage treatment, water reclamation, desalinization, and power plants shall be located where they do not interfere with and are compatible with recreational, residential or other public uses of water and shorelands.
5. In the development of new or expanded port facilities consideration shall be given to resources and amenities existing on the proposed site.
6. Piers/docks will be permitted to the outer harbor line or combined U.S. pierhead/bulkhead line for water dependent or water-related uses.
7. Piers/docks extending to the outer harbor or combined U.S. pierhead/bulkhead line will be permitted for multi-use facilities if the majority use is water dependent and public access is provided (when public safety can be assured).
8. Joint or shared use of piers and other saltwater structures is preferred over single purpose use.
9. The maximum intrusion into the water shall be no more than that required for the draft of the largest vessel expected to moor at the facilities and in no case shall the intrusion extend beyond the outer harbor line.
10. Vessel related facilities shall be equipped to prevent sewage discharges (e.g. sewage system hookups for large vessels).
11. Refueling of ships shall be prohibited.
12. The developer must be able to demonstrate adequate facilities for prevention of fuel and related discharges into the water body.

ROADS AND RAILROADS

A. DEFINITION

Roads and Railroads – For the purpose of this section a road shall mean a linear passageway, usually for motor vehicles and a railroad shall mean a linear passageway with tracks for train traffic.

B. GENERAL REGULATIONS

The following regulations apply to the building of roads and railroads in all shoreline environments.

1. Prior to the site preparation or construction of new roads or railroads of any type, except residential driveways, an environmental impact statement shall be submitted.
2. Developers of roads and railroads must be able to demonstrate the following to the appropriate reviewing authority.
   a. The need for a shoreline location and that no reasonable upland alternative exists.
   b. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
   c. That the project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.
   d. That all debris, overburden, and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into any water body.
   e. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flow.
   f. That when new roads will afford scenic vistas, viewpoint areas will be provided when consistent with public safety. Scenic corridors shall have sufficient provision for safe pedestrian

and non-motorized vehicular travel. Where regulations require a sixty-foot right-of-way, the road bed may be placed on one side of the right-of-way.

g. That public road rights-of-way, view areas, rest and picnic areas will maintain the natural shoreline vegetation and topography.

h. That efforts have been made to coordinate with existing land use plans including the Shoreline Master Program.

i. That roads in an industrial area are essential to the industrial operation.

3. Developers of roads and railroads must also be able to demonstrate to the appropriate reviewing authority to insure access to the shorelines from upland areas.

   a. That roads and railroads are located on grade rather than elevated unless crossing wetlands. Road and railroad designs must provide appropriate pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.

   b. That where bridges cross streams, pedestrian linear access along the streams will be provided except where precluded by safety factors. Pedestrian and bicycle passage across water shall be provided except on limited access highways.

   c. That financing is available and is secured for viewpoints and picnic areas along roadways having high scenic value before approval of road construction.

4. All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs, and/or trees which shall be maintained by the installing entity until established.

5. Roads and railroads located in wetland areas shall be designed and maintained to prevent erosion and to permit a natural movement of ground water.

6. Major roads and railroads shall cross shoreline areas by the shortest and most direct route feasible, unless such route would cause significant environmental damage.

7. Publicly owned road ends and rights-of-way along shoreline areas shall not be vacated, but remain in public ownership for future benefit.

8. Private access roads providing ingress and egress for individual single-family residences or lots shall be limited to one lane and may not exceed a maximum width of fifteen (15) feet.
9. Private access roads serving two or more families may be two lanes in width.

UTILITIES

A. DEFINITION

Utilities - For the purpose of this section utilities shall mean services which produce and/or carry electric power, gas, water, sewage, communications and oil.

B. GENERAL REGULATIONS

The following regulations apply to utility installations in all shoreline environments.

1. Applications for installation of utility facilities shall include the following.
   a. Reason why utility facility requires a shorelines or near shoreline location.
   b. Alternative location considered and reasons for their elimination.
   c. Location of other utility facilities in the vicinity of the proposed project to include the facilities of other types of utilities.
   d. Plans for reclamation of areas disturbed during construction.
   e. Plans for control of erosion and turbidity during construction.
   f. Possibility for consideration of proposed facility within existing utility right-of-way.
2. Utilities shall be located to re-enforce goals and policies of comprehensive long-range planning.
3. The State of Washington Department of Fisheries shall be notified of any utility proposal which would require withdrawals of water from any body of water under Shoreline Management jurisdiction.
4. The location and construction of outfalls shall comply with all appropriate federal, state, and county regulations.
5. Water discharged to rivers or marine waters which is determined by the Department of Ecology to be contaminated shall receive appropriate treatment as determined by the Department of Ecology and shall not present a thermal barrier to fish migration.

6. Construction of underwater utilities or those within the wetted perimeter shall be timed to avoid major fish migratory runs.
7. Distribution lines shall be placed underground in all residential developments.
8. Underground utility lines shall be completely buried under the riverbed in all river or stream crossings.
9. When utility easements are granted on or near the shoreline, investigation of multiple use (i.e. foot paths, walkways) should be explored.

SOLID WASTE DISPOSAL

A. DEFINITION

Solid Waste Disposal - For the purpose of this section solid waste shall mean all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial waste, swill, demolition and construction wastes, abandoned vehicles or parts thereof and discarded commodities.

B. GENERAL REGULATIONS

The following regulations apply to the disposal of solid waste in all shoreline environments.

1. Shoreline areas shall not be considered for solid waste disposal and transfer.
2. Existing shoreline solid waste disposal and transfer facilities shall be expeditiously phased out and rehabilitated.
3. Solid waste disposal policies and regulations shall be consistent with the adopted City of DuPont Solid Waste Management Plan.
4. All developments, public and private shall provide for solid waste disposal facilities adequate for maximum estimated usage. Department of Ecology regulations shall be followed.
5. The Washington State Litter Law (RCW 70.93) shall be strictly enforced in shoreline areas.

AGRICULTURAL USES

A. DEFINITION

Agricultural uses - For the purpose of this section agricultural uses shall mean those practices and methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization.

B. GENERAL REGULATIONS

The following use regulations apply to agricultural practices in all shoreline environments.

1. The application of agricultural chemicals and solid waste materials shall not result in direct violations of state water quality standards, WAC 372-64 - Intrastate Water Quality Standards, WAC 372-12 - Interstate Water Quality Standards. Application of agricultural chemicals shall be in conformance with the Washington State Pesticide Application Act (17.21 RCW).
2. A buffer of natural or induced permanent vegetation shall be maintained between tilled areas and adjacent lakes and streams. The width of such buffer shall be based on conditions including type of vegetation, soils types and topography, but shall not be less than 25 feet measured on a horizontal plane from the high water mark, on designated lakes and streams.
3. Confinement lots, feeding operations, retention and storage ponds, lot wastes, stockpiles of manure solids, and storage of noxious chemicals shall not be located in the floodway or within 200' of ordinary high water, whichever is greater.

FOREST MANAGEMENT PRACTICES

A. DEFINITION

Forest Management Practices - For the purpose of this section forest management practices shall mean those methods used for the protection, production and harvesting of timber.

B. GENERAL REGULATIONS

1. Roads and Bridges

a. Location

(1) Roads, including side cast material, shall not impinge on channels, lakes, or marine shores except when crossing on a bridge or culvert. Fill and side cast shall not be placed within the 50-year plain of streams.

(2) Road location shall avoid areas where seeps, clay beds, concave slopes, alluvial fans, and steeply dipping rock layers indicate the possibility of slides.

(3) Bridges and culverts shall be located so as to avoid relocation of the stream channel.

(4) All excavation of roads constructed on slopes of greater than 40% shall be end hauled out of the shoreline area.

b. Design Specifications

(1) Road subgrade widths shall be the minimum commensurate with the intended use, generally not more than 30 feet for double lane haul roads and 22 feet for single lane roads and spurs.

(2) (a) Cut slopes shall not exceed:

1) 1/4: 1 (Horizontal to Vertical) in rock

2) 3/4: 1 in cohesive soils

3) 1-1/2: 1 in non-cohesive soils

(b) Side cast and filled embankment slopes shall not exceed:

1) 1-1/3: 1 (Horizontal or Vertical) in rock

2) 1-2/5: 1 in cohesive soils

3) 1-1/2: 1 in non-cohesive soils

(3) Cross culverts shall be installed at the following maximum spacing depending on road grade and soil erosion infiltration classes:

(a) Below 8% grade, 800 feet

(b) 8% to 15% grade, 600 feet

(c) Greater than 15% grade, 300 feet

(4) Culverts shall be installed at crossings of all drainage ways.

(5) Culverts shall be adequate in size to carry the maximum anticipated flow and in no case be smaller than 18" in diameter.

(6) When culverts are installed in streams which the Washington State Departments of Fisheries and Game determine are used by anadromous or resident fish:

(a) The slope of the culvert shall not exceed 0.5% (1/2 ft. of fall for each 100 ft. of length.

(b) The bottom of the culvert shall be at least 6" below the natural stream bed at the inlet and outlet.

(c) If a multiple barrel culvert is installed, one barrel shall be at least 6" lower than the other(s).

(d) The culvert shall be of sufficient size to pass all anticipated flows and debris.

(e) The minimum diameter for pipe culverts and minimum height for box culverts shall be 18".

(f) Any bank protection material shall be placed from the bank, shall be clean and shall be of sufficient size to not be washed away by high water or wave action.

(g) In order to reduce fish passage and spawning problems and pipe abrasion, design to use bridges or "true arch" (bottomless) culverts on steep slopes and spawning areas as determined by the State Departments of Fisheries and Game. Obtain and adhere to requirements of the hydraulics permit.

(7) Culverts shall be installed with flumes, half-round extensions, or protective rocks, where necessary, to prevent soil erosion below the discharge end.

(8) Ditch relief culverts shall be installed at or before a horizontal distance of 200 feet from the high water mark of streams covered by the Shorelines Management Act of 1971 in order to allow filtration over natural ground of sediments carried by ditch waters.

(9) Where culverts are installed in fills use some form of headwall to prevent erosion of the fill.

(10) Ditches shall be installed on the uphill side of all roads, except through solid rock cuts.

(11) The design of bridges, culverts and other waterway crossing devices shall not constrict clearly defined channels and shall be high enough to pass anticipated flows and flood debris.

(13) At least one end of each stringer bridge shall be tied to prevent it from being washed away during high water.

c. Construction

(1) Embankment fills shall:

(a) Be placed in layers of three feet or less in thickness, and compacted, and

(b) Consist of inorganic material with a minimum of buried slash and debris, except that puncheon may be used in flat wet areas.

(2) Road construction shall take place only during dry seasons. Erosion protection work may take place at any time. Heavy grading shall not be performed when soils are saturated

(3) Install drainage structures as soon as feasible during the pioneer stage of road construction.

(4) Where road material is potentially unstable or erodible, it shall be stabilized by seeding, matting, compacting, rip-rapping, benching or other suitable means.

(5) All road segments shall have complete drainage control and slope stabilization by the end of the construction season in which the initial grading occurred.

(6) Excavation for and placement of the sills or abutments and placement of stringers or girders for bridges shall be accomplished from outside the normal high water mark.

(7) Any disturbed bank material shall be removed from the channel and any soils exposed by bridge construction shall be protected from erosion.

d. Maintenance shall be accomplished as follows:

(1) Roads shall either be kept in good enough condition for travel by pickup truck or be permanently closed, planted or seeded with appropriate ground cover and water barred at all culvert locations. Roads shall be surfaced with rock of sufficient quality whenever necessary to prevent erosion of the subgrade.

(2) Retain road drainage by performing proper maintenance grading.

(3) Clean culvert inlets, outlets, ditches and trash racks to diminish danger of clogging.

(4) Use mechanical equipment in preference to herbicides for control of roadside brush.

(5) Dust abatement products toxic to aquatic life and wildlife shall not be used in the shoreline area.

2. Harvesting Operations

Timber harvesting shall be conducted in such a manner as to maintain forest productivity, water quality, and fish and wildlife habitat.

a. Pre-harvesting considerations

(1) Whenever possible, avoid landings within designated wetlands, when necessary within these wetlands, locate landings on firm ground above the high water level of any waterway. Avoid unstable areas on steep sidehill areas and excessive excavation.

(2) Consult with State Fisheries and Game agencies to determine the value of each stream and of designated shorelines. If in their judgment the specific area has significant value, special logging techniques or special precautions may be required.

(4) Buffer strip widths will vary with steepness of terrain, other topographic features, the kind of soil, and the amount of timber that is to be removed. However, a minimum buffer strip of 30' on a horizontal plane from ordinary high water is required.

(5) Within a designated buffer strip, vegetative cover including hardwood, conifer, shrubs and other vegetation including merchantable timber necessary to prevent soil movement and shade the stream shall be carefully retained during removal of adjacent timber.

(6) Merchantable timber may be removed from a buffer strip by selective cutting under the following conditions and only after obtaining written authorization.

(a) When soil types, topographic conditions and nature of timber indicate a high probability of blowdown into the stream or of uprooting by natural stream erosion;

(b) When specifically requested by Departments of Fisheries and Game: and

(c) When removal can be achieved without significant damage to necessary vegetative cover, stream bank integrity, or water quality.

b. Harvesting

(1) Trees shall be felled, bucked and limbed so that the tree or any part thereof will not fall into or across any stream.

(2) Protect the buffer strip by leaving stumps high enough to prevent any subsequently felled, up-slope trees from sliding or rolling through the strips resulting in vegetative and/or waterway damage.

(3) If debris should enter the waterway(s) as a result of this project, such debris shall be removed concurrently with the yarding operation and before removal of equipment from the project site. Removal of debris shall be accomplished in such a manner that natural stream bed conditions and stream bank vegetation are not disturbed.

(4) Avoid tractor yarding on all saturated areas and on all slopes steeper than 30 percent and there shall be no yarding through streams.

(6) With respect to timber abutting or situated within two hundred feet landward of the ordinary high water mark within shorelines of statewide significance, only selective commercial timber cutting shall be allowed, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time: provided, that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental: provided further, that clearcutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted.

c. Post-harvesting requirements

(1) Waste resulting from logging operations such as crankcase oil, filters, grease and oil containers, machine parts, old wire rope and used tractor tracks shall be removed from the designated shoreline area immediately following termination of harvesting operations. At no time shall such materials be placed in waterways.

(2) Re-establish drainage on landings after use to insure against future soil movement.

(3) Potentially unstable or erodible exposed soils shall be stabilized by seeding with grass species or other suitable means.

(4) Relocate all potentially water-borne slash and woody logging debris 4" in diameter and/or 8' long resulting from project above the 50-year flood mark.

(5) All ruts capable of transporting water in exposed erodible soil shall be adequately water barred. Such ruts which are within 50 feet of a watercourse or on slopes exceeding 40 percent shall also be planted or seeded with an appropriate ground cover or mulched.

(6) Slash burning shall not be permitted in buffer strips.

3. Reforestation

   a. All clearcut areas shall be planted or seeded within 18 months of logging to produce at least 400 seedlings per acre.

   b. If necessary, additional planting or seeding shall be performed annually until at least 400 seedlings per acre have been established.

   c. The City shall grant extensions of up to one year for time for planting or seeding, where seedlings or seeds are unavailable due to curcumstances beyond the owner's control.

   d. Regeneration shall be of a forest tree species compatible with management of adjacent stands.

4. Chemical application

   a. Equipment used for transportation, storage or application of chemicals or fuels shall be maintained in leakproof conditions. If there is evidence of chemical or fuel leakage, the further use of such equipment must be suspended until the deficiency has been satisfactorily corrected.

   b. Whenever water is taken from any stream or water impoundment for use in the mixing of chemicals, precautions shall be taken to prevent contamination of the sources.

      (1) Provide an air gap or reservoir between the water source and the mixing tank; or

      (2) Use a portable pump with the necessary suction hose, feed hoses and check valves to supply tanks with water from streams, such pump to be used only for water.

   c. Protect waterways, streams, lakes, swamps, marshes, bogs, impoundments and other areas of open water from contamination when spraying by aircraft by leaving a buffer strip of at least one swath width untreated on each side of such areas. When applying spray from the ground, leave unsprayed a buffer strip of at least ten (10) feet on each side of areas described above. Insecticides and herbicides will not be sprayed in those buffer strips established in these Forest Management Practices regulations except hand spraying for noxious weeds which will be permitted. Spray

application immediately adjacent to buffer strips shall be made parallel to waterways, and must be applied prior to application of fertilizers except that precautions shall be taken to avoid direct application of fertilizers to streams or other wetlands described above.

d. Mix chemicals or clean tanks or equipment only where the chemicals or fuel will not contaminate surface waters. Mixing areas and aircraft landing areas shall be located where spillage of chemicals or fuel will not contaminate water. If any chemicals or fuel is inadvertently spilled, immediate appropriate procedures shall be taken to contain or neutralize it.

e. Apply chemicals only in accordance with currently recognized limitations of temperature, humidity, wind and other factors specified by the State Department of Agriculture.

f. Removal of chemical or fuel containers from shoreline areas is required.

g. Daily Records of Chemical Applications:

(1) Whenever insecticide or herbicide sprays are applied on forest land, the operators shall comply with RCW 17.21 and maintain a daily record of spray operations which includes:

(a) Name of monitor or name of applicator (pilot or ground applicator)

(b) Location of project and acreage covered

(c) Temperature (hourly)

(d) Wind velocity and direction (hourly)

(e) Contractor's name and pilot's name and address when applied aerially; contractor's name and/or employer's name and address for ground application.

(f) Insecticides or herbicides used, including name, mixture, application rate, amount and carrier used.

(g) The year, month, day and time pesticide was applied.

(h) Person or firm (address) who supplied pesticide used.

(i) Apparatus license plate number.

(2) Whenever rodenticides or fertilizers are applied, the operator shall maintain a daily record of such application which includes the name of the chemical and application.

(3) The records required shall be kept for at least three (3) years.

h. Immediately report all chemical spill to the Washington State Department of Ecology and the United States Coast Guard.

BULKHEADS

A. DEFINITION

Bulkhead - For the purpose of this section bulkhead shall mean a structure of either the solid or open-piling construction type, erected parallel to and near the high water mark, for the purpose of protecting adjacent uplands from the action of waves and currents.

B. GENERAL REGULATIONS

The following regulations apply to bulkheads in all shoreline environments:

1. The construction of a bulkhead for the direct purpose of protecting newly created residential land is prohibited.
2. Bulkheads shall be permitted only to protect developed property from waterside erosion.
3. Bulkheads shall be constructed in such a way as to minimized damage to fish and shellfish habitats.
4. Beach materials shall not be used for fill behind bulkheads except clean dredge spoils from a permitted dredge and fill operation and materials excavated during construction of the bulkhead.
5. Bulkheads shall not intrude beyond MHHW more than is necessary for installation with minimum alteration of adjacent banks.
6. The construction of a bulkhead on shorelines where no bulkheads are adjacent shall be within 5 feet from the foot of any bank or landward of the MHHW mark, whichever will allow for the minimum seaward projection and visual impact.
7. The repair or replacement of bulkheads may be located immediately in front of an existing bulkhead except where such existing bulkhead appears to be abandoned and is seaward of the MHHW in which case the location criteria in 6. shall apply.
8. Bulkhead design shall not exceed Department of Fisheries design criteria for bulkheads.

9. Bulkheads shall be constructed of concrete, wood, rock riprap or other suitable materials which will serve to accomplish the desired end with maximum preservation of natural characteristics. Design and construction methods shall consider aesthetics and habitat protection.

10. A person who has received approval in keeping with these regulations to construct a bulkhead, shall grant adjacent property owners the privilege to tie in and meet with a bulkhead when they have an approved permit.

11. The builder of any bulkhead shall be responsible for determining in advance the nature and extent of any possible adverse effects on fish and wildlife or on property of others caused by his construction and shall propose and take all necessary actions to minimize such effects.

12. Bulkheads shall conform to the standards specified on any Federal or State permits required for such projects.

13. Where a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated in the design whenever possible.

JETTIES AND GROINS

A. DEFINITION

Jetties and Groins - For the purpose of this section jetties and groins shall mean structures erected for the purpose of interrupting, modifying or controlling the parallel movement of sand along the shoreline and within the tidelands, bedlands and water column.

B. GENERAL REGULATIONS

The following regulations apply to jetties and groins in all shoreline environments.

1. The construction of jetties or groins shall be permitted only in special cases where social and technical consideration demonstrates overall public benefit and they can be supported by the findings of an Environmental Impact Statement.
2. Sand movement and the effect of proposed jetties or groins on that sand movement shall be considered. Provisions shall be made to minimize potential adverse effects on natural systems caused by jetties or groins. Costs shall be borne by the person who develops the jetty or groin.
3. Special attention shall be given to the effect these structures will have on wildlife propagation and movement, and to a design of these structures which will not detract from the aesthetic quality of the shoreline.
4. Jetties and groins shall only be permitted for navigational purposes, industrial activity, marinas and recreational activities, but such structures remain subject to the criteria stated herein.
5. Where feasible, access for sightseeing and public fishing shall be incorporated into jetty design.
6. Design for new jetties shall incorporate provisions for public access if the appropriate authority determines such access to be feasible and desirable.

BREAKWATERS

A. DEFINITION

Breakwater - For the purpose of this section breakwater shall mean a protective structure erected offshore in order to protect beaches, bluffs, dunes, or harbor areas from wave action.

B. GENERAL REGULATIONS

The following regulations apply to breakwaters in all shoreline environments.

1. The construction of breakwaters shall be permitted only in special cases where social and technical consideration demonstrates overall public benefit and they can be supported by the findings of an Environmental Impact Statement.
2. Floating breakwaters shall be used in place of solid landfill types where they can withstand extensive wave action in order to maintain sand movement and fish habitat.
3. Breakwaters shall be designed and constructed to ensure against adverse changes in sand movement and water circulation.
4. Breakwaters shall only be permitted for navigational purposes, for industrial activities and marinas.
5. The construction of breakwaters shall not create significant undesirable interference with the public use of the water surface.
6. Where feasible, access for sightseeing and public fishing shall be incorporated into breakwater design.
7. Designs for new breakwaters shall incorporate provisions for public access if the appropriate authority determines such access to be feasible and desirable.

PIERS

A. DEFINITION

Piers - For the purpose of this section pier shall mean a structure built over or floating upon the water, used as a launching place for marine transport or for recreational purposes.

B. GENERAL REGULATIONS

The following regulations apply to piers and docks in all shoreline environments.

1. Developers of docks for single family residential use must be able to show that the following alternatives have been investigated and are not a feasible alternative:
   a. commercial or marina moorage
   b. floating moorage buoy
   c. joint use moorage
   d. dry storage
   e. public launching ramp
2. Applicants for private anchor buoys and floats must be able to demonstrate that the proposed float will not obstruct important navigational or recreational areas.
3. No covered moorages are allowed for residential piers.
4. Piers shall not be built for the purpose of storing vehicles and/or boat trailers.
5. No piers shall be permitted, unless aquaculture oriented, in areas having a high value for shellfish, fishlife, or wildlife unless it can be shown that the development would not noticeably degrade the quality of the area.

C. DESIGN CRITERIA

1. All piers, docks, and similar structures shall be constructed so as to permit as much sunlight penetration as possible within the constraints of sould building practices and within economic means.

2. All piers and docks must be maintained in good condition. Dilapidated or unsound structures are to be upgraded or removed at the owner's expense.
3. Residential docks on saltwater, when allowed, shall meet the following design criteria:
    a. Maximum length shall be fifty (50) feet or only so long as to obtain a depth of eight (8) feet, whichever is less at mean lowest water.
    b. Maximum width shall be six (6) feet.
4. There shall be no roofed structures on floats.
5. Swimming floats shall not exceed one hundred (100) square feet in surface area and shall not be used for boat moorage.
6. Floats and buoys shall extend at least eight (8) inches above the water surface and shall be colored or marked to make them easily seen.
7. Pilings employed in pile docks and piers shall be spaced in accordance with structural, environmental, physical and recreational considerations.

D. HEALTH AND SAFETY

1. An adequate number of approved solid waste containers must be located conveniently for boater utilization.
2. The dock facilities shall be equipped with adequate lifesaving equipment such as life rings, hook and ropes.
3. The public must have access to fire fighting equipment. (A fire hose with pressure or a fire extinguisher would be adequate provided that it is readily available to the boaters.)
4. Every facility must be in good repair and free from other safety hazards.
5. All piers/docks with 25 or more moorage spaces shall provide rest rooms for the boater's use. They shall be kept clean, located within 200' from the furthest point of the dock; there shall be one toilet and handwashing facility for each sex per 25 moorage sites; signs shall be posted such that the restrooms are readily identifiable.
6. Boaters shall not use their marine toilets while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this shall be posted where they are readily visible to all boaters.
7. Floating structures not affixed to piers or docks must be anchored or situated to allow clear passage on all sides by small water craft.

LANDFILL

A. DEFINITION

Landfill - For the purpose of this section landfill shall mean the creation of dry upland area by the filling or depositing of sand, soil or gravel into a wetland area.

B. GENERAL REGULATIONS

The following regulations apply to all landfill projects in all shoreline environments.

1. Fills which do not extend waterward more than five feet on a horizontal plane from ordinary high water may be permitted upon determination by the City that no significant environmental harm will result; however, fills located landward of ordinary high water are preferred.
2. Landfills extending waterward more than five feet on a horizontal plane from ordinary high water shall not be permitted prior to preparation of an Environmental Impact Statement and issuance of a Conditional Use Permit.
3. Filling for the purpose of creating new land shall be permitted only for ports and water dependent public and private uses.
4. Landfills are prohibited in marshes, bogs and swamps except in committed industrial areas having an adopted comprehensive plan and when there is a demonstrated public benefit as determined by the City and when no significant loss of habitat will result. In other water retention or groundwater recharge areas, the need for fill on such a site must be demonstrated by the applicant and Environmental Impact Statement will be required.
5. All perimeters of cuts and fills shall be provided with vegetation, riprap, retaining walls or other approved means for erosion prevention.
6. Fill materials shall not cause violation of water quality standards or otherwise be toxic to humans or to fish and wildlife.
7. In evaluating applications for landfill permits, the City shall consider effects including but not limited to, significant damage to existing ecological values or natural resources, alteration of local currents, focusing on reflection of wave action, total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality, destruction of habitat and loss of public access.

DREDGING

A. DEFINITION

Dredging - For the purpose of this section dredging shall mean the removal of earth from the bottom of a stream, river, lake, bay or other water body for the purposes of deepening a navigational channel or to obtain use of the bottom materials for land fill.

B. GENERAL REGULATIONS

The following regulations apply to dredging activities in all shoreline environments.

1. Dredged material which will not cause violation of State Water Quality Standards may be used in permitted landfill projects.
2. Where regular navigation maintenance dredging is required, a long-range plan for disposal sites shall be filed with the City.
3. Deep-water spoil disposal shall be done only at approved disposal sites and only when material meets EPA criteria for deposit in open waters.
4. Upland disposal sites shall be selected by criteria which include effect on wildlife habitat.
5. Disposal sites shall be protected as necessary by berms and outlets to remove suspended solids and insure that the quality of return water meets State Department of Ecology Standards.
6. Disposal of dredged material on marshes, swamps or bogs is prohibited except in committed industrial areas having an adopted comprehensive plan and when there is a demonstrated public benefit as determined by the City, and when no significant loss of habitat will result.
7. Gravel removal within the high water flow channel bed on rivers and streams shall be permitted for habitat improvement as requested by the Departments of Fisheries and Game, and for permitted structural installations
8. Removal of gravel from the high water flow channel bed for flood control purposes shall be permitted. Sand and gravel shall not be removed for the sole purpose of obtaining the materials.
9. Dredging for the primary purpose of obtaining fill or construction material is prohibited.

RECREATIONAL PRACTICES

A. DEFINITION

Recreational Practices - For the purpose of this section recreational practices shall mean those practices, active and passive, whose goal is the refreshment of body and mind through forms of play, amusement and relaxation.

B. GENERAL REGULATIONS

The following regulations apply to recreational practices in all shoreline environments.

1. Proposals for shoreline recreational developments shall include written and graphic descriptions of existing shoreline physiography and natural resources, together with methods proposed to maintain, enhance or restore desirable shoreline features including scenic views. Such methods shall include, but not be limited to size and location of parking lots, structures, concessions, picnic areas, and access trails, and shall include procedures for annual review and curtailment of use when substantial damage to the shoreline or depletion of natural resources is apparent.
2. Accretional beaches shall be retained in their natural state for water dependent multiple uses such as swimming, clamming and beachcombing. Structural modifications which might cause erosion are prohibited.
3. Proposals for recreational developments which would in the judgment of the appropriate reviewing authority substantially alter the natural characteristics of the shoreline will be considered a Conditional Use.
4. Underwater parks and artificial reefs established in cooperation with the state agencies shall include safety provisions to warn boating traffic of their location.
5. Artificial reefs shall not contain materials toxic or otherwise hazardous to persons or to fish and wildlife.
6. Proposals for recreational developments must include plans for sewage disposal. Where treatment facilities are not available, the appropriate reviewing authority shall limit the intensity of development to meet County and State requirements for on-site sewage disposal.

7. Recreational developers who propose to use fertilizers, pesticides or other chemicals toxic to humans or to fish and wildlife must submit plans describing methods of preventing leachate from entering adjoining water bodies.
8. A buffer strip of permanent vegetation shall be maintained between cultivated parts of golf courses and adjacent water bodies to prevent leaching of fertilizers and toxic chemicals, to shade streams as required and to provide linear public access within such buffer. The buffer strip may vary in width as needed but shall not be less than 25 feet wide measured on a horizontal plane from ordinary high water.
9. All new platting on lakes and marine shorelines shall include pedestrian easements to public waters.
10. Public parking areas shall be provided wherever needed for off-road recreation user parking.
11. Motor vehicular traffic on beach and roadless shoreline areas is prohibited.
12. No recreational development shall unnecessarily interfere with public use of navigable waters.
13. No recreational building or structure excluding docks and boathouses shall be built over water.
14. When topography and size of site permit, all non-water-related uses shall be located at least 200 feet from ordinary high water and shall be connected to the water by access paths.
15. When in the opinion of the appropriate reviewing authority, topography and size of site require non-water related uses within the shoreline area the following regulations shall apply:
    a. Parking areas must be set back from the water and screened to make them as visually unobjectionable as possible.
    b. Non-water-related recreational uses in the shoreline area will be considered a Conditional Use.
    c. Privies may be installed as a Conditional Use. Such privies must conform to conditions approved by County and State Health Departments.
    d. Dry wells must be located a minimum of 50 feet from the maximum high water mark.
    e. Buildings and structures excluding docks, launching structures and boathouses shall be set back a minimum of 100 feet from the ordinary high water mark.

16. Existing and potential public accesses shall be identified by the City in a continuing plan to increase recreational opportunities for the public in shoreline areas.
17. Traditional places of point access to the public waters shall be obtained by the City by purchase of public easements when possible, when these accesses are necessary to the continued enjoyment of stream segments, lakes, or saltwater areas.
18. Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access.
19. When traditional areas of linear access are threatened by closure of certain segments, the City shall make every reasonable effort to acquire public easements along such segments.
20. Where existing public access has been unlawfully appropriated to private use or otherwise barred to the public, such use shall be abated, the area indicated as a public access by appropriate signing and made available to the public.
21. Access shall be provided to all tidelands designated as "Public Use Areas" by the Washington State Department of Natural Resources.

EFFLUENT DISPOSAL

A. DEFINITION

Effluent Disposal - For the purpose of this section effluent disposal shall mean the disposal of wastewater resulting from process, sanitary sewage treatment, storm sewerage or leachate.

B. GENERAL REGULATIONS

The following regulations apply to effluent disposal facilities in all shoreline environments.

1. Sewage disposal facilities for any proposed use shall meet all applicable state and local standards and regulations, including those of the Department of Ecology, Department of Social and Health Services, Pierce County Health and Utilities Department and those found in zoning and subdivision ordinances. These regulations shall be strictly enforced in shoreline areas.
2. Any use for which a sewage disposal facility using a drainfield is proposed along the shoreline shall be on a lot which at a minimum shall meet applicable state and county regulations.
    a. The lot shall have suitable soils, no high water table, and other physical characteristics as required by the Pierce County Health Department.
    b. The proposed sewage disposal facility shall be at least 100 feet from the extreme high water mark on all shorelines under Shoreline Management jurisdiction.
    c. The proposed sewage disposal facility shall have a soil absorption field (drainfield) which is at least 50 feet, on a horizontal plane, from the extreme high water mark on all shorelines under Shoreline Management jurisdiction.
3. Filling to provide land for soil absorption systems (drainfields) shall be prohibited along all shorelines under Shoreline Management jurisdiction.
4. No sewage disposal facility using a drainfield shall be allowed to be built on any land filled areas along the shoreline.
5. Outfalls which may result in decertification of shellfish production areas are prohibited.

6. A substantial development permit for an effluent outfall shall not be issued if the State Department of Fisheries determines that it will interfere with the potential of the area involved for commercial aquaculture.
7. No untreated effluent from an existing use or a proposed use shall be allowed to enter the waters of the City. All regulatory standards shall be met by all county and state agencies listed in 1.
8. Septic tank effluent shall not be directed into storm sewers.

AQUACULTURE PRACTICES

A. DEFINITION

Aquaculture Practices - For the purpose of this section aquaculture practices shall mean those practices incidental to the culture or farming of food fish, shell fish, or other aquatic plants and animals.

B. GENERAL REGULATIONS

The following regulations apply to aquaculture practices in all shoreline environments.

1. The use of shoreline areas for aquaculture shall be encouraged for the production of commodities for human consumption and utilization.
2. Aquacultural operations shall be encouraged to locate and operate in a manner which will preclude damage to specific fragile areas and existing aquatic resources. These operations shall maintain the highest possible levels of environmental quality.
3. Aquacultural activities shall meet all State and Federal water quality standards for both interstate and intrastate waters.
4. Aquaculture to include marine structures and associated land facilities shall be located in areas and developed in such a way that:
   a. The navigational access of commercial traffic and upland owners is not restricted.
   b. Visual access of upland owners and scenic views are not impaired.
   c. Negative impact to the aesthetic or ecological quality of the environment of the marine shorelines does not occur.
5. As technology permits, preference shall be placed on under-water structures which do not interfere with navigation or impair the aesthetic quality of the shoreline.
6. A baseline study at or near the proposed aquaculture site may be required only when the permit reviewing authority deems it necessary.
7. Shoreline areas having the prerequisite qualities for aquaculture uses shall have priority in order to protect the City of DuPont's aquacultural potential.

MINING

A. DEFINITION

Mining - For the purpose of this section mining shall mean the removal of naturally occurring materials from the earth for economic uses.

B. GENERAL REGULATIONS

The following regulations apply to mining in all environments.

1. No materials shall be removed from a floodway or lakebed for the primary purpose of obtaining the material.
2. The removal of naturally occurring inorganic materials from the intertidal area along marine beaches shall be prohibited unless for purposes of fish and wildlife habitat improvement. Excavation for the maintenance, repair or construction of shoreline structures such as bulkheads, piers, jetties and groins are subject to the Master Program regulations governing those activities.
3. The removal of 10,000 tons or more of naturally occurring inorganic materials or disturbance of more than 2 acres of land within designated wetland areas in one section shall require an Environmental Impact Statement.
4. Any proposed mining activity within the geographical jurisdiction of the Shoreline Management Act shall maintain public values by:
    a. Doing no permanent significant damage to the environment.
    b. Providing for restoration subsequent to completion of the project in compliance with the conditions of the substantial development permit.
    c. Maintaining visual and aural screening of the operation as defined by the conditions of the substantial development permit.
    d. Maintaining buffers of at least 50 feet around mining activity, preferably of native vegetation, for additional visual and aural screening and for dust settling.
    e. Complying with the provisions of the Washington State Surface Mining Act and any provisions required by the City of DuPont.

5. Operators shall not leave pits subject to flooding and subsequent stranding of fish.
6. When rock, sand, gravel and other minerals are removed from the shoreline areas, protection against sediment and silt production shall be provided in compliance with the conditions of the Shoreline Substantial Development permit.
7. The exploration for and subsequent production of petroleum products within the geographical jurisdiction of the Shoreline Management Act shall be considered incompatible with the intent of the Act.
8. Removal of any inorganic material from a floodway or lakebed should be for stream or habitat improvement purposes or for structural installations permitted by the Master Program and shall be in conformance with the technical provisions of the Department of Fisheries and Game under jurisdiction of the Hydraulics Act.

SHORELINE FLOOD PROTECTION

A. DEFINITION

Shoreline Flood Protection - For the purpose of this section shoreline flood protection shall mean those activities occurring within the streamway and wetland areas which are designed to reduce overbank flow of high waters and stabilize eroding stream bank.

B. GENERAL REGULATIONS

The following regulations apply to shoreline protection actions in all environments.

The following use regulations are applicable to the areas within the 100-year flood plain under the jurisdiction of the Shoreline Management Act and are recommended policies for management of adjacent land also located in the flood hazard zone.

1. In the rare instances in which structural flood controls are permitted to protect private property, the cost of such devices shall not be subsidized by the taxpayers of the City of DuPont unless there is demonstrated public benefits which are greater than the harm to the environment caused by said structures, as determined by the City.
2. Approval or denial of shoreline protection permits shall not be based on the availability of funding.
3. No permanent nonwater dependent structures shall be placed in the floodway zone.
4. Permanent structures placed within the 100-year flood plain shall be designed and constructed to resist a 100-year flood.
5. Storm waters from new developments shall be controlled on site so that runoff entering surface waters is no greater than it would be if the land were left undeveloped.
6. Riprapping and other bank stabilization measures, when permitted, shall be located, designed and constructed so as to avoid the need for channelization and to protect the natural character of the streamway.

7. All bank protection material shall be placed from the bank. There shall be no dumping of bank protection material directly from a truck bed onto the bank face.
8. Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water or by wave action.
9. When riprap is washed out of place into the river and presents a hazard to the safety of recreational users, it shall be removed by the owner of such material.
10. Trees shading streams and rivers shall be retained or replanted when riprap is placed.
11. Dikes, levees, berms and similar flood control structures shall be placed landward of the floodway as determined by the U.S. Army Corps of Engineers and the State of Washington Department of Ecology.
12. Structural flood control devices shall not be placed between swamps, marshes and other wetlands associated with the stream and the stream proper.
13. Dikes, levees, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat.
14. Whenever bank stabilization is allowed, materials used for such action shall consist of rock or other materials of the earth. Automobile bodies or other junk or solid waste materials shall not be used.
15. When application is made for structural flood controls on shorelines of statewide significance, primary consideration shall be given to the effect of the structures on the statutory preferred uses of such shorelines.
16. Linear access along dikes shall be encouraged and incorporated into the City Shoreline Access Program.
17. The City shall require linear access along new dikes when the appropriate reviewing authority determines such access to be in the public interest.

APPENDIX

STATE ENVIRONMENTAL

POLICY ACT

INFORMATIONAL MEMORANDUM

In 1974, the Washington State Legislature established a new agency, the Council on Environmental Policy (CEP), and charged it with the responsibility of adopting rules of interpretation and implementation of the State Environmental Policy Act of 1971 (S.E.P.A.).

Pursuant to this mandate, CEP, after extensive drafting and public hearings, adopted final S.E.P.A. guidelines on December 12, 1975. The Legislature required that all cities and counties adopt these same guidelines by reference or in total. In DuPont, S.E.P.A. guidelines are adopted by Ordinance No. 179. This ordinance requires that all non exempt development proposals be subjected to the "threshold determination" process.

Threshold determination requires the proponant of a project to fill out an "Environmental Checklist" as provided by the City. This document is reviewed by the mayor and two councilpersons, the sub-committee for S.E.P.A. compliance. On the basis of information contained in the checklist, the sub-committee determines whether the development proposal is or is not likely to have a significant adverse effect upon the environment.

Regarding development proposals considered exempt from threshold determination, the power of the City is pre-empted in certain cases while in others, threshold determination is not required (see S.E.P.A. Guidelines WAC 197-10-170 and 175). However, in the case of most development proposals a checklist must be submitted and a threshold determination made prior to the issuance of any permit by the City.

If the sub-committee determines that a proposal may have a significant adverse impact upon the environment, they order the preparation of an Environmental Impact Statement (E.I.S.). Pursuant to the provisions of Ordinance No. 179, either the project proponent or the City may prepare the document. In either case the E.I.S. is the City's responsibility as "Lead Agency" over the proposal and the document becomes the City's decision making tool. With regard to decision making, it must be noted that once an E.I.S. has been required, no City project proposal related, or other governmental permits may be issued until the E.I.S. has been prepared, circulated for comment, and declared final.

The sub-committee may, on the basis of cheklist review, determine that a proposal will not have a significant adverse effect upon the environment. In such a case the determination of the sub-committee must be published and recorded with the State of Washington Department of Ecology. The essential point here is that no governmental action (i.e. issuance of permits) may be taken for a period of 15 days following such a finding by the sub-committee.

In summary then, Ordinance No. 179 requires that the proponent of a development project file with the City an Environmental Checklist. This document is reviewed by the mayor and two councilpersons who determine whether or not the proposal may have a significant adverse impact upon the environment. If the City determines that the development may in fact, adversely affect the environment, preparation of an Environmental Impact Statement is required. No further governmental action on the proposal can be taken until the E.I.S. is complete. Should the sub-committee determine that no adverse impact upon the environment will result from the proposal, this finding is published, recorded and further governmental action delayed fifteen days.

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