

# Shoreline Element

## Introduction

### Requirements of the Shoreline Management Act

In November 1972, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.58). The primary purpose of the Act is to provide for the management and protection of the state's shoreline area resources by planning for reasonable and appropriate uses. The law provides a two-tier planning and regulatory program by the state and local government. By law, the City is responsible for the following:

- A. Preparation of a "Master Program" in accordance with the policies and requirements of the Act and the State Shoreline Guidelines (WAC 173-26).
- B. Development of a permit system in accordance with the requirements of the Act.

### The City of Anacortes' Role in Implementing the Shoreline Management Act

In order to protect the public interest in the preservation and reasonable use of the shorelines of the state, the Shoreline Management Act establishes a planning program coordinated between the state and local jurisdictions to address the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

- A. Development of an inventory of the natural characteristics and land use patterns along "shorelines of the state" within the City's territorial limits. This inventory provides the foundation for development of a system that classifies the shoreline into distinct "environments". These environments provide the framework for implementing shoreline policies and regulatory measures.
- B. Preparation of a "Shoreline Master Program" to determine the future of the shorelines. This future is defined through the goals developed for the following land and water use elements: economic development, public access, circulation, recreation, shoreline use, conservation, historical/cultural protection, and floodplain management. Local government is encouraged to adopt goals for any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to implement the intent of the Shoreline Management Act. In addition, policy statements are developed to provide a bridge between

the goals of the master program and the use activity regulations developed to address different types of development along the shoreline. Master program regulations are developed and adopted, as appropriate, for various types of shoreline development, including the following: agriculture, aquaculture, forest management, commercial development, marinas, mining, outdoor advertising and signs, residential development, utilities, ports and water related industries, bulkheads, breakwaters, jetties and groins, landfills, solid waste disposal, dredging, shoreline protection, road and railroad design, piers, and recreation.

- C. Development of a permit system to further the goals and policies of both the Act and the local Master Program. (Local government has the option to adopt the administrative process as part of the SMP or as a reference document not considered part of the SMP. This allows local government to make changes without the need of a SMP amendment. See WAC 173-26-191(2)(a)(C).)

Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements. The City of Anacortes Shoreline Master Program must be consistent with the policies and requirements of the Shoreline Management Act and the State Shoreline Master Program Guidelines. The role of the Department of Ecology is to provide support and review of the Shoreline Master Program and subsequent shoreline development permits and approvals and on insuring compliance with the policies and provisions of the SMA.

The Anacortes Shoreline Master Program comprises:

- This Shoreline Element of the Anacortes Comprehensive Plan
- Anacortes Municipal Code (AMC) Chapter 19.72 Shorelines
- The Shoreline Restoration Plan

## Purposes of the Shoreline Master Program

The Shoreline Management Act defines a Master Program as a “comprehensive use plan for a described area.” The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment through management of uses.

The purposes of the Master Program are:

- A. To carry out the responsibilities imposed on the City of Anacortes by the Washington State Shoreline Management Act (RCW 90.58).
- B. To promote uses and development of the Anacortes shoreline consistent with the Anacortes Comprehensive Plan while protecting and restoring environmental resources.
- C. To promote the public health, safety, and general welfare by providing a guide and regulation for the future development of the shoreline resources of the City of Anacortes.

## Legislative Findings

The legislative findings and policies of the Act, as set forth in RCW 90.58.020, are as follows: the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.

The legislature further finds that much of the shoreline of the state and adjacent uplands are in private ownership and that unrestricted construction on the privately owned and publicly owned shorelines of the state is not in the best public interest. Therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline of the state. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

There are three basic policy areas to the Shoreline Management Act:

The SMA emphasizes accommodation of reasonable and appropriate uses, protection of shoreline environmental resources, and protection of the public's right to access and use the shorelines.

- **Shoreline Use:** It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.
- **Public Access:** In accordance with the Act, master programs must provide for public access to publicly owned areas, and a recreational element for the preservation and enlargement of recreational opportunities. "The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally" (i.e., One must look at the overall "best interest" of the state and the people when considering public access opportunities. In some cases, public access goals may be superseded by the goals of environmental protection or promotion of appropriate uses).
- **Environmental Protection:** The Act is intended to protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the waters of the state and their aquatic life..." against adverse effects. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique

to or dependent on use of the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, and to industrial and commercial developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

The second section of the Act, states, in part:

"...Uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shoreline. Alterations of the natural conditions of the shorelines of the state, in those limited instances where authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to the shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state." (RCW 90.58.020).

## Goals & Policies

### Shoreline Master Program Elements

This Section contains goals that form the foundation of the Shoreline Master Program and apply to all areas of Anacortes shoreline jurisdiction, regardless of the designated shoreline environment. The Shoreline Management Act requires cities to adopt goals, or "elements", to guide and support major shoreline management issues. RCW 90.58.100(2)

#### *Shoreline Use Element*

As required by RCW 90.58.100(2)(e), this section addresses the proposed general distribution, location, and extent of uses on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

**Goal S-1.1. Shoreline Uses.** Establish and implement policies and regulations for land uses that are consistent with the requirements of the Shoreline Management Act, the Shoreline Master Program Guidelines, and the Growth Management Act, and which promote a mixture of reasonable and appropriate shoreline uses that enhance the City's character, emphasize its connection with marine

trades, foster its historic and cultural identity, protect environmental resources, and achieve a net ecosystem improvement over time.

**Policy S-1.1.1.** Identify and designate those shoreline areas suited for particular long term uses, including conservancy, recreational, residential, commercial, and industrial.

**Policy S-1.2.** Avoid uses which would pre-empt preferred shoreline uses as contemplated by the Shoreline Management Act.

**Policy S-1.3.** Maximize water-dependent and water-related uses in appropriate locations.

**Policy S-1.4.** Encourage marine trades and water-oriented uses that are keeping with the historical character of the area.

**Policy S-1.5.** Enhance public access and achieve no net loss of shoreline ecological functions by appropriately locating, designing, and operating all activities, development, and redevelopment.

**Policy S-1.6.** Develop existing public view and access easements to facilitate public access to the water and to provide the shoreline and pursue additional public access opportunities. Private access opportunities are not limited by this policy.

### *Economic Development Element*

As required by RCW 90.58.100(2)(a), this section addresses the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state. This section also provides consistent policies and plans which promote the State's constitutional reservation of harbor areas for use by commerce and navigation and are consistent with marine resource protection.

**Goal S-2.** Foster a balanced, diversified, and sustainable marine oriented service in the local economy that contributes to Anacortes' high quality of life, through the protection and enhancement of the community's natural, historical, and cultural amenities, and the improvement of the financial well-being of its residents.

Policy S-2.1. Provide opportunity for development of water-dependent commercial and industrial uses, preferably at locations that are currently developed or at locations outside of critical habitat areas.

Policy S-2.2. Plan so that deep water sites are available for uses requiring such sites.

Policy S-2.3. Establish multiple use commercial and industrial sites for compatible, water-oriented development activities.

Policy S-2.4. Encourage public access to the water and the shoreline in commercial areas.

Policy S-2.5. Maintain and improve existing water quality to make waters attractive to recreational users, and where appropriate, encourage uses complementary and compatible with recreational development.

Policy S-2.6. Detailed consideration should be given to enhancing the habitat function of Fidalgo Bay to provide greater resource protection and improved opportunities for recreation, tourism, and commercial fisheries.

Policy S-2.7. Support and maintain maritime industries and visitor services as significant components of the area economy.

Policy S-2.8. Give priority to new shoreline commercial and industrial development that is water-dependent or water-related or which provides a significant public benefit in the form of restoration of ecological functions, and enhancement of public access and for revitalization of historic resources.

Policy S-2.9. Strengthen the marine trades economy while protecting the natural environment and increasing public use of shoreline areas.

- (a) Maintain and enhance Anacortes's character as a working waterfront City by allowing marine-related commerce and industry in appropriate shoreline areas.
- (b) Assist the Port of Anacortes in the development and implementation of plans for Port properties that are consistent with the Growth Management Act and the Shoreline Master Program.
- (c) Plan and design shoreline open spaces that are compatible with marine-related industrial and commercial uses of shoreline areas.
- (d) Promote the skill, motivation, and availability of Anacortes' marine trade workforce as a regional resource of major importance to the City and County's economic future.
- (e) Encourage governmental and non-profit agencies to work with local firms to identify and transfer technology that can increase marine trade's competitiveness.
- (f) Encourage the creation of marine trade jobs, including jobs dependent upon traditional skills, construction techniques, and materials, such as: sail and canvas accessory manufacture; spar and rigging construction; marine-oriented carpentry; construction of wooden boats; blacksmithing; and block-making and casting, as well as more modern skills and trades.
  - (i) Support educational and vocational training efforts aimed at enhancing marine trade skills, including mentorship and apprenticeship programs.
  - (ii) Promote marine trade enterprises on Port owned lands by working with the Port of Anacortes.

Policy S-2.10. The Fidalgo Bay Navigation Channel is a critically important deep-water access to marine industries located on the City's Fidalgo Bay industrial and commercial marine zones. The current employment level in these zones exceeds 1500 and has the potential to double over the next 20 years.

The Fidalgo Navigation Channel should be maintained at its current federally authorized depth of -18 feet. The existing waterfront connections to this channel and the upland connections to the water access should be protected from encroachments (unless relocated to an adjacent location). Provided that impacts are fully mitigated, additional connections should be given the highest priority.

### *Circulation Element*

As required by RCW 90.58.100(2)(d), this section addresses the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element.

**Goal S-3.** Achieve safe, convenient, non-motorized-friendly, and diversified circulation systems to provide public access to the shoreline and efficient movement of people and goods with minimum disruption to the shoreline environment and minimum conflict among shoreline uses and between shoreline users and abutting upland areas.

Policy S-3.1. Maintain and improve existing navigation channels to serve water-dependent uses and develop new navigation channels where appropriate. New navigation channels shall be adequately mitigated.

Policy S-3.2. Motorized land transportation routes should be located as far as reasonably possible from the water's edge, except where needed to access water-dependent uses.

Policy S-3.3. When possible, improve existing transportation facilities to enhance economic, recreational, and visual benefits to the public.

Policy S-3.4. Assure that shore located activities provide sufficient parking in areas which avoid possible adverse impacts to water quality or shoreline view.

Policy S-3.5. Require installation of native vegetation adjacent to transportation facilities.

Policy S-3.5. The City should protect the former Burlington Northern right-of-way from the railroad trestle to the Port marine terminal facilities for future transportation planning and development.

### *Public Access Element*

As required by RCW 90.58.100(2)(b), this section makes provision for public access to publicly owned areas.

**Goal S-4.** Provide, maintain, and enhance a safe, convenient, and balanced system of public access, both physical and visual: a system that increases the amount and diversity of opportunity for the public to enjoy the shorelines of the state, including access for people with disabilities to the extent feasible, while respecting the rights of private ownership; a system that is respectful of fragile natural features of the shorelines; and, strives to maintain the character of the community.

Policy S-4.1. Provide for public access to shorelines in City parks and recreation plans.

Policy S-4.2. Increase opportunities for public view sites and identify publicly owned access areas through appropriate signing.

Policy S-4.3. Use street ends abutting shorelines for public access and view easements and develop lateral access along the waterfront connecting access points unless an alternative public access plan has been agreed to by the City.

Policy S-4.4. Provide incentives for public shoreline access opportunities in private developments.

Policy S-4.5. Encourage development of facilities (restaurants, shops, markets) which attract the public to appropriate shoreline areas.

Policy S-4.6. Locate a public fishing pier along the Guemes channel with priority to co-locating with an existing facility; the location has yet to be determined.

Policy S-4.7. Incorporate design standards for appropriate building design and landscaping including but not limited to height, bulk, scale, setbacks, signage, lighting, and preservation of view corridors to protect and enhance public access; encourage the use of native vegetation where landscaping is required.

Policy S-4.8. Preserve and enhance shoreline access areas through acquisition, enhancement of shoreline street ends, signage of public access points, and designation and design of specific shoreline access areas for small vessels such as kayaks.

Policy S-4.9. Promote a coordinated system of connected pathways, sidewalks, passageways between buildings, beach walks, and shoreline access points that increase the amount and diversity of opportunities for walking and chances for personal discoveries.

Policy S-4.10. Provide access for a range of users including pedestrians, cyclists, boaters, and people with disabilities to the extent feasible.

Policy S-4.11. Vary public access opportunities by providing a range from urban water walks to viewing platforms of natural areas.

Policy S-4.12. Expand the amount and diversity of shoreline public access opportunities consistent with the character, functions, and values of the shoreline, private property rights, and public safety.

Policy S-4.13. Encourage plans by existing industries and public agencies occupying waterfront lands, including the Port of Anacortes and Washington State Ferries, to provide as much public accessibility to the water as practicable, consistent with public safety, homeland security concerns, and the protection of shoreline ecological functions.

Policy S-4.14. Develop a waterfront trail along the Guemes Channel connecting Washington Park to Downtown and the Tommy Thompson Trail, while providing protection of intact shoreline ecological functions or enhancement to shoreline functions where impaired conditions exist and where such enhancements are feasible.

### ***Recreational Element***

As required by RCW 90.58.100(2)(c), this section provides for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas.

**Goal S-5.** Develop and maintain appropriate public and private recreational opportunities that are compatible with adjacent uses and that minimize and mitigate for disruption

of the shoreline environment, recognizing the importance of existing park, trail, and recreation areas.

Policy S-5.1. Increase opportunities for water-oriented recreation in coordination with the Port of Anacortes and Skagit County.

Policy S-5.2. Develop priorities for acquisition of public recreation and access sites in shoreline areas, particularly those providing lineal access, and acquire sites through purchase or easements.

Policy S-5.3. Encourage development of private recreational facilities.

Policy S-5.4. Provide a balance of active recreational and passive open spaces.

Policy S-5.5. Do not allow public recreation sites to exceed their capacity to sustain the recreation experience sought by visitors.

Policy S-5.6. Do not allow conflicting recreational uses to decrease a site's primary recreational value.

Policy S-5.7. All uses abutting the Fidalgo Bay waterfront should provide a walkway that will constitute a segment of a continuous, publicly accessible esplanade (the walkway should be at least ten feet wide) unless an alternative public access plan has been agreed to by the City.

Policy S-5.8. Prohibit recreational facilities and activities that even after mitigation are reasonably projected to significantly degrade fragile shoreline ecosystems and ecological functions.

Policy S-5.9. Public recreation facilities should be planned and designed to augment and enhance private recreation facilities and vice versa.

Policy S-5.10. Unique shoreline recreational areas and vistas should be preserved for future generations.

Policy S-5.11. Recreational planning and development should recognize the wide variety of needs generated by the diverse local and regional population.

Policy S-5.12. Commercial recreational developments should conform to relevant regulations contained in the Shoreline Master Program.

Policy S-5.13. Recreational developments, public and private, should be located, constructed, and operated so as not to be a hazard to public health and safety nor should they materially interfere with normal public use of the water and shorelines.

### *Conservation Element*

As required by RCW 58.100(2)(f), this section addresses the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and fish and wildlife habitat.

**Goal S-6.** Preserve, protect, enhance and restore shoreline natural resources including scenic vistas, aesthetics, estuaries, beaches, shorelines, fragile ecological areas, fish and wildlife habitats, native vegetation and landforms, water and air.

Policy S-6.1. Preserve, protect, enhance, and restore critical areas and shoreline ecological processes and functions through regulatory and non-regulatory means that may include required vegetated shoreline setbacks,

acquisition of key properties, regulation of development, and incentives to encourage ecologically sound design and maintenance.

Policy S-6.2. Locate, design, construct, and operate development so as not to degrade water quality as measured by state water quality standards.

Policy S-6.3. Achieve no net loss of shoreline ecological functions. This shall be accomplished by the use of Mitigation Sequencing, as defined in this master program, and as provided by WAC 173-26-201(2)(e).

Policy S-6.4. Identify unique and sensitive shoreline areas for permanent protection.

Policy S-6.5. Develop and apply appropriate conservation practices in public shoreline areas.

Policy S-6.6. Establish a "significant areas" acquisition fund designed to provide for acquisition and public land banking of privately held priority properties as a "development mitigation" strategy.

Policy S-6.7. Develop and design performance standards which will minimize detrimental impacts of development upon the shoreline.

Policy S-6.8. Encourage study and monitoring of waters and shoreline habitats; maintain awareness of existing conditions and future alterations.

Policy S-6.9. In conjunction with State regulatory and resource agencies, affected tribes, and the County, establish clear requirements for mitigating development-related impacts to resources. These could include a pre-approved set of mitigation projects, activities and strategies upon which permit applicants could focus their mitigation plans.

Policy S-6.10. Support research and demonstration efforts designed to create new eelgrass beds which, if successfully developed, could serve as an eelgrass mitigation bank.

Policy S-6.11. All soils disturbed by use activities, and which are potentially erodible or unstable should be stabilized through seeding, mulching, terracing or other effective means.

Policy S-6.12. Development on unique or fragile shoreline areas should be avoided unless it can be shown in the proposal that development will not degrade the shoreline, or that the development will enhance public use of shoreline resources while fully mitigating for impacts to fragile areas.

Policy S-6.13. Shorelines are to be kept free of discarded waste materials.

Policy S-6.14. Existing street rights-of-way or utility easements which offer physical or visual access to the shorelines or water body should be maintained in public ownership for resource conservation and as a recreational and public view resource.

Policy S-6.15. The City shall ensure that permit approval from U.S. Department of the Army, Corps of Engineers, is secured for all construction and work performed in navigable waters of the United States; permit approval of this agency is also required for the discharge of dredged or fill material on wetlands adjacent and contiguous to navigable waters of the United States.

Policy S-6.16. Mitigation for all proposed shoreline development should comply with Mitigation Framework requirements (Revised Final Integrated Fidalgo Bay-Wide Plan & EIS, 2000 & EIS, Chapter VIII).

Policy S-6.17. Protect existing shoreline trees and other shade vegetation, especially in areas where surf smelt and/or sand lance spawning has been documented.

Policy S-6.18. The maximum width for either the wetland buffer or the shoreline setback must be applied for the portion of the wetland that lies within the shoreline setback.

### *Restoration & Adaptive Management Element*

Consistent with the Shoreline Management Act's policy on protection and restoration of environmental resources of the shoreline, this section addresses the requirement to achieve no net loss of ecological functions necessary to sustain shoreline natural resources and to provide for the restoration of impaired ecological functions.

**Goal S-7.** Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

Policy S-7.1. Implement the Restoration Plan included in Appendix B of this Master Program.

Policy S-7.2. Encourage projects that restore/rehabilitate/enhance shoreline resources. Strategies may include but are not limited to a simplified permit process, reduced or waiver of permit fees, public outreach, encouraging landowners to replant with native vegetation, tax relief, transfer of development rights, and City participation.

Policy S-7.3. Provide incentives for restoration by implementing tools which may include, but are not limited to: modifying the shoreline setback area that would apply to the restored areas or allowing a greater range of uses or flexible development standards (e.g., setbacks, height limits, lot coverage) on properties providing restoration.

Policy S-7.4. Craft a preferential tax incentive in coordination with the County through the Public Benefit Rating System administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage private land owners to preserve natural shoreline features for "open space" tax relief.

Policy S-7.5. Employ Adaptive Management: Monitor and analyze the cumulative impacts of development permitted in shoreline areas, including development exempt from a Shoreline Substantial Development Permit. Where impacts are occurring beyond that anticipated, the City should revise the Master Program to address the cumulative impacts, and/or revise the conditions of approval of developments to address the new information.

Policy S-7.6. Mitigation for new development projects should use enhancement of degraded conditions to offset the impacts of new development near shoreline resources.

Policy S-7.7. During the project review process, mitigation for impacts of the development should emphasize restoration of ecological functions.

### *Historic, Cultural, Scientific, and Educational Element*

As required by RCW 90.58.100(2)(g), this section provides for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values.

**Goal S-8.** Ensure recognition, preservation, protection, and restoration of shoreline areas that have historical, cultural, educational, or scientific value and create a unique “sense of place” in shoreline jurisdiction.

Policy S-8.1. Foster greater appreciation for the importance of shoreline management, environmental conservation, and maritime history and activities by encouraging educational projects and programs.

Policy S-8.2. Ensure that new development is compatible with existing historic structures and cultural areas, and that it promotes the creation of or own legacy for the future.

Policy S-8.3. Encourage the rehabilitation, renovation, and adaptive reuse of upper floors of historic buildings (e.g., for artist studios, permanent housing, and office space).

Policy S-8.4. Encourage public and private groups to research and study areas of historical tribal or cultural significance.

Policy S-8.5. Areas of historical or cultural significance should be considered in park and recreation planning.

Policy S-8.6. Develop guidelines to direct private and public development with regard to historic structures and areas.

## Shoreline Environment Designations

### *Shorelines of Statewide Significance.*

**Policy S-9.1.** Recognize the order of use preferences established by the Shoreline Management Act in formulating and implementing the Master Program and any amendments affecting shorelines of statewide significance. This Master Program gives preferences to uses, in the following order of preference, that:

- a. *Recognize and protect the statewide interest over local interest.* The City will consult with applicable state agencies, affected Indian tribes, and statewide interest groups on proposed actions affecting shorelines of statewide significance.
- b. *Preserve the natural character of the shoreline.* Shoreline environment designations and use regulations should direct higher intensity uses away from functionally intact shorelines.
- c. *Result in long-term over short-term benefit.* The benefits of new development should be evaluated in light of the long-term impacts on shoreline resources and aesthetics.
- d. *Protect the resources and ecology of the shoreline.*
- e. *Increase public access to publicly owned areas of the shoreline.* Given that all of Anacortes’ shorelines of statewide significance lie seaward

of the line of extreme low tide, public access for shorelines of statewide significance pertains to aesthetics and access for recreational uses such as boating and scuba diving.

- f. *Increase recreational opportunities for the public on the shoreline.*
- g. *Provide for any other element as defined in RCW 90.58.100.*

Policy S-9.2. In addition to the provisions of this section, all proposed developments and activities within Shoreline of Statewide Significance should comply with [Section 5.6 Aquatic](#) and all other appropriate provisions the this Master Program.

### **Aquatic**

Policy S-10.1.1. Limit uses and activities within the Aquatic environment to water-dependent uses, ecological restoration and public access/recreational improvements designed to provide access to the shoreline for a substantial number of people, with few exceptions.

Policy S-10.1.2. In aquatic areas adjacent to Urban or Urban Maritime designated shorelines, permit water-enjoyment uses in *existing* over-water structures along the Anacortes waterfront built prior to March 1, 2010 or in new structures in the limited instances where they are auxiliary to and necessary in support of water-dependent uses. (For purposes of over-water structures the mere presence of pilings would not meet the definition of an "existing" structure.)

#### **New Over-Water Structures**

Policy S-10.3. Allow new over-water structures only for water-dependent and accessory uses, restoration projects, public access, or minor, accessory non-water-dependent Port facilities in conjunction with a water-dependent use. New over-water structures, other than single-family and community piers, must show significant public benefits and approval shall only be granted after consideration has been given to the environment impacts to public resources.

Policy S-10.4. Limit the size of new over-water structures to the minimum necessary to support the structures' intended use and encourage multiple-use as a means of reducing impacts of shoreline development and increasing effective use of water resources.

#### **Reuse of Historic Over-Water Structures**

Policy S-10.5. Permit minor expansions or rebuilding of historic over-water structures when necessary to provide public access, to facilitate environmental restoration, to facilitate preservation and reuse of historic structures, or to meet building safety codes when in support of a water-dependent use, PROVIDED the structures are rebuilt or expanded using environmentally-friendly designs and that construction activities implement BMPs. The newly-expanded or rebuilt structure shall provide better habitat function and values to fish and wildlife than the existing structure. Minor is defined as less than a 10% increase in overwater square footage.

Policy S-10.6. Refurbish or rebuild existing piers and wharves to maintain a modern-day link with the community's maritime history. The refurbishment or redevelopment of existing pier and wharf structures may include water-enjoyment uses PROVIDED the structures are rebuilt or expanded using

environmentally-friendly designs and that construction activities implement BMPs. The newly-expanded or rebuilt structure should provide better habitat function and values to fish and wildlife than the existing structure. Non-water-dependent commercial uses should not be allowed over water except in existing or replacement structures or in new structures in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

Policy S-10.7. Develop, in coordination with the Port, a moorage float and dock facility for passenger ferries and other seasonal commercial tour vessels.

### **Design Elements**

Policy S-10.8. All developments and uses should be located and designed to minimize interference with surface navigation, to be compatible with adjacent aquatic and upland uses, and with wildlife resources, and to consider impacts to public view.

### **Environmental Protection**

Policy S-10.9. Shoreline uses and modifications within the Aquatic environment should be designed and managed consistent with the Environmental Protection policies and regulations of Chapter 6 including, but not limited to, preservation of water quality, habitat (such as eelgrass, kelp, forage fish spawning beaches, etc.), natural hydrographic conditions, and safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Policy S-10.10. Remove abandoned over-water structures when they no longer serve their permitted use and provide no environmental benefit.

Policy S-10.11. Multiple use of over-water facilities is encouraged.

Policy S-10.12. Private, non-commercial docks for individual residential or community use are allowed. The project should result in no net loss of ecological functions and should pursue alternative alignments or locations to avoid or minimize potential impacts.

Policy S-10.13. All over water and near-shore developments require habitat assessment of site and adjacent beach sections.

### *Natural*

Policy S-11.1. Allow uses that are in keeping with the primary goal of environmental protection. To the extent feasible, new uses and activities should be limited to restoration projects and public access or recreational/educational uses.

Policy S-11.2. Preserve and enhance ecological functions of the area by appropriately designing permitted uses.

### *Conservancy*

Policy S-12-1. Protect shoreline functions and resources by limiting, to the extent feasible, new uses and activities in the Conservancy designation to recreational, cultural and historic uses located and designed to avoid shoreline impacts.

Policy S-12.2. Ensure the preservation of scenic and non-renewable natural resources and the conservation of renewable resources for the benefit of

existing and future generations, by limiting permitted uses and assuring that they are located and designed appropriately.

Policy S-12-.3. Encourage the following uses:

- a. Uses that preserve the natural character of the area or promote preservation of open space, culturally or historically significant sites, or sensitive lands, either directly or over the long term.
- b. Uses that result in restoration of ecological functions if the use is otherwise compatible with the character of the area.

Policy S-12.4. Give priority to water-oriented uses over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses that cannot be reasonably located in other environments should be given highest priority.

Policy S-12.5. Establish best management standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Conservancy designation to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

Policy S-12.6. Public access and public recreation objectives should be implemented in the Conservancy environment whenever feasible.

## *Shoreline Residential*

### **Uses**

Policy S-13.1. Allow residential uses as the primary allowed uses in the Shoreline Residential designation.

Policy S-13.2. Allow limited non-residential uses such as community clubhouse, day cares, home occupation businesses, churches, and bed and breakfasts provided they are consistent with the residential character of the neighborhood.

Policy S-13.3. Other accessory uses subordinate and incidental to water-oriented uses may be considered only when adjacent to existing overwater structures between H Avenue and B Avenue.

Policy S-13.4. Implement public access, public education (e.g., interpretive signs), and public recreation objectives whenever feasible while ensuring that significant ecological impacts can be mitigated and private property rights reserved.

Policy S-13.5. Encourage protection/restoration of ecological functions through proactive public education, reduced setback incentives and stewardship programs.

### **Design Elements**

Policy S-13.6. Allow development only in those areas where impacts and hazards to or caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.

Policy S-13.7. Minimize impacts to bluffs by requiring shoreline development to implement low impact development (LID) stormwater techniques as

described in Low Impact Development, Technical Guidance Manual for Puget Sound (PSAT, January 2005).

Policy S-13.8. Protect public vista points and views enjoyed by a substantial number of occupied residences by ensuring that new development is sensitively located and designed. Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

Policy S-13.9. Provide for public access and joint-use of recreational facilities when permitting multi-lot developments (i.e., more than four), multi-family residential, cottage developments and recreational facilities.

Policy S-13.10. Provide adequate access, utilities, and public services to serve existing needs and/or planned future development.

Policy S-13.11. While shoreline setbacks based on science are preferred to protect ecological functions, using them may not be feasible where previous development has significantly altered the natural shoreline environment, such as along some parts of Burrows Bay. In such areas, an alternative strategy is established for new and re-development using smaller shoreline setbacks that are based on the existing development pattern, in combination with mitigation requirements that provide enhancement of existing degraded conditions and offsets impacts of the development on shoreline ecological functions.

## *Urban*

### **Uses**

Policy S-14.1. Give priority to water-oriented uses over non-water-oriented uses. First priority should be given to water-dependent uses. Second priority should be given to water-related uses and third priority to water-enjoyment uses. Non-water-oriented uses shall only be allowed if they are part of mixed used developments where the primary use is (1) water-dependent or (2) water-related, or (3) in conjunction with a water-enjoyment use on sites where there is no access to water.

Policy S-14.2. Encourage uses that enhance ecological functions and/or enhance opportunities for the public use and enjoyment of the shoreline; new development shall not cause a net loss of shoreline ecological functions.

### **Design Elements**

Policy S-14.3. Ensure that, where applicable, improvements within this district are reviewed for compatibility and consistency with the Design Standards codified in the zoning code.

Policy S-14.4. Encourage designs that incorporate conservation and restoration elements, such as restoration of intertidal habitat, shoreline vegetation, and enhancement of public access.

Policy S-14.5. Require, where applicable, new development and/or redevelopment to include environmental cleanup (e.g., removal of contaminated soils) and restoration of the shoreline in accordance with state and federal requirements.

### **Public Access**

Policy S-14.6. Plan for a public pedestrian walkway system along the Urban waterfront utilizing a combination of natural beaches, pathways, piers, wharves, street-ends, sidewalks, stairways, or other improvements. Although it may not be feasible for the walkway system to be continuous throughout the entire area, it should promote quality pedestrian access to and along major portions of the waterfront. Street-ends should, at a minimum, become developed access points to the shoreline. Linkage between these street-ends should be determined by the physical characteristics of the shorelines, existing development patterns, potential for structural improvements, and other factors relevant to developing a continuous pedestrian system. *Port of Anacortes' Integrated Approach to Marine Public Access, Final Report (October, 2003)*, is incorporated by reference into this SMP.

Policy S-14.7. Encourage designs that enhance pedestrian traffic without impeding vehicular traffic through the use of paving textures, fencing, landscaping, and signage that make a greater distinction between automobile traffic and pedestrian circulation systems.

## Urban Maritime

### Uses

Policy S-15.1. Give preference to water-dependent transportation, shipping, Port, and manufacturing uses due to their proximity to deep shipping berths and channels and to navigable waters.

Policy S-15.2. Encourage expansion of water-dependent and water-related uses.

Policy S-15.3. Non-water-oriented uses should not be allowed unless they are a supportive use to a water-oriented use or are established along with the water-oriented use.

Policy S-15.4. Primary non-water-oriented uses should not be permitted.

Policy S-15.5. Existing non-water-oriented industrial and commercial uses should be encouraged to relocate to non-waterfront property.

Policy S-15.6. Industrial and commercial development along Urban Maritime shorelines should provide protection of existing ecological functions where practicable and mitigated. It should also provide public access opportunities only where appropriate and where public safety would not be compromised and alternative off-site provision has been made.

### Public Access

Policy S-15.7. Where desirable and practicable, industrial and commercial facilities should be designed to facilitate pedestrian waterfront activities. *The Port of Anacortes' Integrated Approach to Marine Public Access, October 2003* is incorporated by reference, and substitutes for uniform public access requirements on individual port actions.

## Environmental Protection

### *Impacts, Mitigation, and Bonding*

Policy S-16.1. Protect the environment through implementation of this Master Program including the use of the AMRRCM mitigation sequence (Avoid, Minimize, Rectify, Reduce, Compensate, Monitor) (WAC 173-26-201(2)(e)(i)).

Policy S-16.2. Minimize the adverse impacts of shoreline developments and activities on the shoreline environment during all phases of development (e.g., design, construction, operation, and management).

Policy S-16.3. Assure, at a minimum, that development and use within shoreline jurisdiction results in no net loss of ecological functions necessary to sustain shoreline natural resources. Development activities must protect existing ecological functions and ecosystem-wide processes.

Policy S-16.4. Encourage shoreline developments or activities that serve to enhance ecological functions and/or values and those that protect and/or contribute to the long-term restoration of properly functioning conditions for proposed, threatened, and endangered species consistent with the fundamental goals of this Master Program. Use of creosote and pentachlorophenol treated woods is prohibited. Use of other treated woods (e.g. CZA, ACZA) should be minimized as much as practicable.

Policy S-16.5. Ensure, through appropriate monitoring and enforcement measures, that all required conditions are met, improvements installed, and properly maintained.

Policy S-16.6. Shoreline-specific critical area provisions promote human uses and values, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions.

### *Environmental Elements*

Policy S-16.7. Protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to waters of the state and their aquatic life. In-stream structures that protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas are of particular importance. This section provides policies and regulations to address environmental impacts to the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-444). It is not intended to limit the application of SEPA.

### *Vegetation Conservation*

Policy S-16.8. Prohibit speculative clearing, grading, or vegetation removal. Allow alteration of the natural landscape only in association with existing legal uses or a new permitted shoreline use or development.

Policy S-16.9. Limit alteration of the natural landscape to the minimum necessary to accommodate the shoreline development or a landscape plan developed in conjunction with the shoreline development, or to remove invasive vegetation.

Policy S-16.10. Restrict clearing and grading within shoreline jurisdiction in order to maintain the functions and values of the shoreline environment, including protection of habitat and shoreline bluffs.

Policy S-16.11. Tree removal is to be minimized on City shorelines. Place priority on retention of snags and live trees that provide nesting or perching for eagles, other raptors, or priority species.

Policy S-16.12. Use best management practices (BMPs) during clearing and grading to control erosion.

### *Critical Areas – General*

Policy S-16.13. Protect unique, rare, and fragile environments, including wetlands and fish and wildlife habitat conservation areas, from impacts associated with development.

Policy S-16.14. Locate and design development to minimize risks to people, property and other critical areas associated with geologically hazardous areas, frequently flooded areas, and tsunamis.

Policy S-16.15. Provide a level of protection to shoreline-specific critical areas that is equal to or greater than the level of protection provided by the adopted Anacortes critical areas regulations. Recognizing this, the City has ~~incorporated~~ adopted appropriate portions of its critical areas regulations into this Master Program ~~as Appendix A~~ by ordinance.

### *Fish and Wildlife Habitat Conservation Areas*

Policy S-16.16. Encourage the protection of critical saltwater habitats in recognition of their importance to the marine ecosystem of the City of Anacortes and the State of Washington. These habitats provide critical reproduction, rearing and migratory nursery areas for valuable recreational and commercial species. They provide habitat for many marine plants, fish, and animals.

An analysis of alternatives using SEPA will be required for any project proposed within FWHCAs. The analysis should include, in part, shoreline bathymetry, shoreline features at the site, and substrate composition.

Policy S-16.17. Water-dependent uses, including recreational facilities, marinas, transportation facilities and some utility crossings, may be permitted in critical saltwater habitats provided that on-site and/or off-site mitigation is provided that will result in no net loss of ecological functions resulting from the proposed facility or utility.

Policy S-16.18. Protect the composition of the beach and bottom substrate. Developments within or adjacent to the shoreline jurisdiction where critical saltwater habitats exist, should avoid to the extent practicable directly or indirectly changing the composition of the beach and bottom substrate except for restoration or for driving of pilings for uses permitted under this Master Program.

Policy S-16.19. Avoid impacts on critical saltwater habitats by appropriately locating and designing developments beyond the standard setback where necessary to protect the critical habitat.

## *Frequently Flooded Areas and Tsunami Inundation Areas*

Policy S-16.20. Ensure that new development in areas prone to periodic flooding comply with the Frequently Flooded Areas standards (~~Section A-1 of the City Critical Areas Regulations as referenced within Section 6.6, Critical Areas – General, AMC 19.70.600-625, and Floodplain Management Regulations AMC Chapter 19.74 found in Appendix A~~) to minimize health hazards and property damage due to flooding.

Policy S-16.21. Develop, enhance, and implement education programs aimed at mitigating natural hazards, and reducing the risk to citizens, public agencies, private property owners, businesses and schools.

Policy S-16.22. Encourage development of acquisition and management strategies to preserve open space for flood mitigation, fish habitat, and water quality in frequently flooded areas.

Policy S-16.23. Coordinate and support the development of improved tsunami warning systems.

## *Geologically Hazardous Areas*

Policy S-16.24. Ensure that new development or the creation of new lots does not cause any foreseeable risk from geological conditions to people or improvements during the life of the development.

Policy S-16.25. Permit development in such a manner and only in locations where no slope protection (e.g. bulkheads, rip-rap, retaining walls, etc.) is necessary or where nonstructural protection (e.g., shoreline setbacks) is sufficient for the life of the project (75 years).

Policy S-16.26. Ensure that proposals are designed and constructed in a manner that does not increase or result in slope instability or sloughing.

Policy S-16.27. Allow shoreline modifications or other measures to protect existing primary structures only when they are demonstrated to be necessary, when no alternatives including relocation or reconstruction of existing primary structures are found to be feasible, and when the modifications are found to comply with the policies and regulations of this Master Program for modifications (See Chapter 9) as well as the requirements of WAC 173-26-231 (Shoreline Modification requirements). Preference should be given to those types of shoreline modifications that have a lesser impact on ecological functions. Assure that modifications individually and cumulatively will result in no-net-loss of ecological functions.

Policy S-16.28. New development should be discouraged in geologically hazardous areas by promoting and encouraging property development transfers, or encouraging expanded buffers and setbacks through property tax incentives.

## *Wetlands*

Policy S-16.29. Preserve and protect wetland ecosystems, and mitigate impacts, so that there is no net loss of wetland acreage and functions. Where feasible, improve wetland quality. Maintaining or restoring vegetated buffers is the preferred method for protecting/improving wetland functions.

Commented [AC1]: Table 3-1 #1

Policy S-16.30. Prevent adverse impacts to wetland functions by controlling all activities that could potentially affect wetland ecosystems whether the activity is located within or adjacent to shorelines jurisdictional wetlands or their buffers.

Policy S-16.31. Encourage in-kind replacement of functional wetland values as the preferred mitigation. Where in-kind replacement is not feasible or practical due to the characteristics of the existing wetland, provide ecological resources of equal or greater value, preferably within the same hydrologic sub-basin, and located based on limiting factors or critical needs identified in watershed or comprehensive resource management plans, including the Shoreline Restoration Plan.

Policy S-16.32. Coordinate proposals for mitigation, creation, or enhancement with appropriate resource agencies to ensure adequate design and consistency with local, state and federal regulatory requirements.

Policy S-16.33. Develop wetland education programs to increase awareness of the importance of wetlands and to inform the citizenry of protective wetland regulations. The City of Anacortes should distribute wetland education materials to the public, including schools, landowners, and developers in the Anacortes area.

Policy S-16.34. Seek regional solutions to wetland mitigation through coordinated planning with state and federal agencies, Skagit County, port authorities and the public.

### *Shoreline Public Access*

#### GENERAL POLICIES

Policy S-16.35. Seek to maintain and enhance public access, both physical and visual, throughout the City's shoreline. Access should be provided for a range of users including pedestrians, bicyclists, boaters and, to the extent feasible, people with disabilities. Access opportunities should be varied, ranging from urban water walks to viewing platforms of natural areas. Encourage the use of public access facilities to actively educate and inform the public on the importance of environmental protection of the shoreline jurisdiction. Work in partnership with local entities (e.g., Skagit Marine Resources Committee, and others) to implement this policy.

Policy S-16.36. Locate and design public access in a manner that does not result in a net loss of ecological functions or wildlife habitat.

Policy S-16.37. Link recreational and public access opportunities together via trails, beach walks and water routes whenever appropriate. Where practical, access points link to non-motorized transportation routes, such as bicycle and hiking paths, and kayak/canoe routes.

Policy S-16.38. Seek a public pedestrian walkway system along the waterfront utilizing a combination of natural beaches, pathways, piers, wharves, street-ends, sidewalks, stairways, or other improvements. Although it may not be feasible for the walkway system to be continuous along the water's edge throughout the entire area, it should promote quality pedestrian access to and along major portions of the waterfront. The public's ability to physically walk along the beach is a priority and thus extending boardwalks over the beach should be limited. Where development of a waterfront trail is to occur, the

development should protect shoreline ecological functions and enhance areas of impaired functions when feasible.

Policy S-16.39. Require new development that impacts public access to mitigate through the provision of on-site visual and physical public access, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline. In lieu of on-site improvements, the Shoreline Administrator may allow for off-site improvements if said improvements would provide a greater public benefit.

Policy S-16.40. Foster public access through a variety of approaches including purchase of key segments, encouraging public and private partnerships, and working with developers to explain the benefits of incorporating public access and recreation.

Policy S-16.41. Incorporate public access provisions into the review and approval of all public and private development projects including land divisions into five or more parcels. Exceptions may be considered for the following:

- Single-family dwelling units not part of a development planned for five or more parcels;

- Where deemed inappropriate due to health, safety, security, incompatible uses, constitutional or other legal limitations and environmental concerns. In these cases alternate methods of providing public access ~~shall~~ must be considered such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access; and

- Where a more effective integrated public access plan exists.

#### BEACHWALKS

Policy S-16.42. Preserve beachwalks as unimproved public access. Beachwalks are unmarked sections of intertidal land upon which the public has rights of passage in accordance with the Public Trust Doctrine. Beachwalks by definition are usually not passable on a 24-hour basis due to tidal action.

#### STREET ENDS

Policy S-16.43. Encourage the use of street ends and other publicly owned or controlled lands to increase public access to shoreline areas.

Policy S-16.44. Develop street end access and viewpoints. Improvements to and linkages between these street-ends should be determined by the physical characteristics of the shorelines, existing development patterns, potential for structural improvements, and other factors relevant to developing a continuous pedestrian system.

Policy S-16.45. Ensure that use of street ends for parking does not physically block public access to the shoreline or degrade the scenic qualities of the City. **(See Parking Facilities, Section 8.9, Chapter 8)**

Policy S-16.46. Identify and bring into compliance uses that unlawfully encroach on public access areas, unless a street use agreement has previously been made between the City of Anacortes and the proponent of the use.

Policy S-16.47. Develop a prioritized list of improvements to street ends. Cost effectiveness should be a key element in prioritizing the proposed improvements.

## DESIGN

Policy S-16.48. Public access improvements should be designed and constructed to:

Look and “feel” welcoming to the public and be usable by the greatest number and diversity of people including, to the extent possible, the physically handicapped.

Connect to public areas, street-ends and other pedestrian or public thoroughfares.

Be as close as possible to the water's edge while preserving the natural character of the shoreline and protecting ecological functions and processes of shorelines and/or their associated wetlands.

Be compatible with the surrounding character and appropriate for the anticipated intensity of use. In general, the higher the intensity of development and use, the more formal and durable the improvements should be.

Enhance the character of Anacortes, including the historic and economic activity of downtown, marine business and industry, Port activity, and natural areas.

Avoid conflicts with water-dependent uses.

Provide for public safety and minimize potential impacts to private property and individual privacy and security.

Require low maintenance design.

Ensure that construction (i.e., structures, trails and access pathways) incorporates environmentally sensitive design and materials (e.g., use non-toxic, natural materials).

## Specific Use Policies

### *Advertising and Signs*

Policy S-17.1. Ensure that signage within the shoreline jurisdiction complies with the City's Sign regulations codified in Chapter 17 of the Anacortes Municipal Code.

Policy S-17.2. Ensure that signs are compatible with the shoreline environment and adjacent land and water uses through appropriate design and placement.

Policy S-17.3. Minimize degradation of vistas and viewpoints and ensure visual access to the water from such vistas by appropriately locating signs.

Policy S-17.4. Signs should not be placed where they will detract from or block shoreline views, nor should they be of a design and size which would degrade the shoreline character as defined in the Area Designations.

### *Agriculture*

Policy S-17.5. Agricultural activities ~~shall~~**must** be prohibited in all environments except for home gardens associated with a single-family residence.

## Aquaculture

Policy S-17.6. Non-commercial aquaculture for recovery of a native population is preferred.

Policy S-17.7. Limit all other aquaculture uses to the Urban ~~and~~ Urban Maritime, ~~environments and adjacent Aquatic environments~~ as a Conditional Use.

Policy S-17.8. Ensure that, when permitted, aquaculture developments are located, designed and operated in a manner that is compatible with existing uses and in keeping with the natural shoreline environment and the environmental protection and restoration policies of this Master Program.

Policy S-17.9. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species including eelgrass, kelp, and other macroalgae; adversely impact other habitat conservation areas; or interfere with navigation or other water-dependent uses.

Policy S-17.10. The City should actively seek substantive comment on any shoreline permit application for aquaculture from all appropriate Federal, State and local agencies; affected tribes; and the general public regarding potential adverse impacts. Comments of nearby residents or property owners directly affected by a proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.

## Commercial Development

Policy S-17.11. Give priority to those commercial developments that are dependent on shoreline locations or that allow a substantial number of people to actively or passively enjoy the shoreline; preference should first be given to water-dependent uses, then to water-related and water-enjoyment uses.

Policy S-17.12. Except for marinas, commercial docking facilities, and related facilities, prohibit new over-water commercial structures.

Policy S-17.13. Design commercial uses in a manner that provides reasonable physical and visual access to the water.

Policy S-17.14. Design commercial uses adjacent to the ordinary high water mark in a manner that provides shoreline setback enhancement and environmental restoration at the water's edge consistent with constitutional and other limitations on the regulation of private property.

Policy S-17.15. New non-water-oriented commercial uses are prohibited unless there is no direct access to navigable waterways or unless they are part of a mixed-use project that includes water-dependent uses as the primary uses or navigation is severely limited at the proposed site and the use provides a significant public benefit with respect to SMA objectives for public access and ecological benefit.

## Industrial and Port Facilities

Policy S-17.16. Reserve shorelines that are particularly suitable for water-dependent and water-related industrial and port development for these uses.

Policy S-17.17. Prohibit non-water-dependent industrial and port developments over water.

Commented [AC2]: Table 5-1 #3

Policy S-17.18. Require new industrial and port development to provide physical and visual access to shorelines whenever possible, consistent with constitutional and statutory limitations, and provided such access does not interfere with industrial operations or endanger public health and safety.

Policy S-17.19. Encourage cooperative use of docks, cargo handling, storage, parking, and other accessory facilities among private or public entities in shoreline industrial and port areas.

Policy S-17.20. Ensure that land transportation and utility corridors serving ports and water-related industry follow the guidelines provided under the sections dealing with utilities and transportation. Where feasible, transportation and utility corridors should be located upland to reduce conflicts with industrial operations.

Policy S-17.21. Only water-dependent industrial and port uses ~~shall~~ will be permitted on shorelands with direct frontage on and practical access to navigable waterways.

Policy S-17.22. Opportunities for public access to the water are required at port and industrial sites, unless such access would interfere with operations or endanger public health and safety, or the proponent otherwise provides for equivalent access elsewhere in the City.

Policy S-17.23. Cooperative and complementary port and industrial activities are encouraged to locate in common areas.

Policy S-17.24. Industrial uses and redevelopment are encouraged to locate where environmental cleanup and restoration can be accomplished.

Policy S-17.25. New non-water-oriented industrial uses are prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives.

## *Marinas*

Policy S-17.26. Ensure that proposed marinas and the expansion of existing marinas are located, designed, constructed and operated in a manner that will minimize damage to shoreline processes and functions. When impacts cannot be avoided, impacts must be mitigated to assure no-net-loss of ecological function necessary to sustain shoreline resources.

Policy S-17.27. Ensure that marinas are located, designed, and operated so as to be compatible with adjacent uses and protect the aesthetic qualities of the shoreline environment.

Policy S-17.28. Consult the standards and guidelines of applicable federal, state and local agencies in planning for marina expansion and new mooring facilities.

Policy S-17.29. Marinas are to be designed to minimize adverse impacts to water quality, through avoidance and/or mitigation, and to be aesthetically compatible with the shoreline area.

Policy S-17.30. Viewpoints and public access to marina areas should be included in marina plan and design.

Policy S-17.31. Marinas must be designed to comply with regulations prepared by the State Department of Fish and Wildlife and other agencies having jurisdiction over such development.

Policy S-17.32. New marinas and marina expansions are to be located and designed so that they will minimize damage to fish and shellfish resources after all mitigation requirements are met.

Policy S-17.33. Marinas are to be designed to minimize, as far as practicable, adverse impacts to natural shoreline processes.

Policy S-17.34. Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

Policy S-17.35. All applicable State and local health and safety standards ~~shall~~ must be complied with in the development of marinas.

Policy S-17.36. Upland dry storage marinas are preferred for non-transient storage of boats less than 30 feet in length, provided adequate boat launching/retrieval facilities and in-water staging floats are provided.

Policy S-17.37. Preference should first be given to water-dependent uses, then to water-related and water-enjoyment uses.

### *Mining*

Policy S-17.38. Ensure that all mining activities occur in appropriately designated areas outside of the Anacortes shoreline jurisdiction.

### *Parking Facilities*

Policy S-17.39. Encourage offsite parking with shuttle parking service.

Policy S-17.40. Design and place parking facilities as far as practicable from the water's edge.

Policy S-17.41. Ensure that parking facilities are adequate to serve the level of demand anticipated by the associated use.

Policy S-17.42. Minimize impacts from parking facilities in shoreline areas including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance, through appropriate location and design.

### *Recreational Facilities*

Policy S-17.43. Encourage the coordination of local, state, and federal recreation planning so as to mutually address recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.

Policy S-17.44. Encourage the linkage of shoreline parks, recreation areas, and public access points in a linear system, such as hiking paths, bicycle paths, and scenic drives.

Policy S-17.45. Locate and design recreational developments in a manner that preserves, enhances, or creates scenic views and vistas.

Policy S-17.46. Locate and design recreational facilities to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance.

Policy S-17.47. Encourage physical and visual access to shorelines and surface waters.

Policy S-17.48. Prevent concentration of clutter and leave the beaches and tidelands in their natural state by locating camping and overnight recreation sites in upland areas. Park design and operation should deal with the impact such activities have not only within park boundaries but on adjacent properties and communities as well.

Policy S-17.49. Prohibit use of recreational off-road vehicles within the shoreline area, except by public agencies for maintenance, operations and emergency services.

Policy S-17.50. Location, design and operation of recreational facilities shall must be consistent with the purpose of environment designations in which they are allowed.

Policy S-17.51. Recreational development shall must achieve no net loss of ecological processes and functions.

### *Residential Development*

Policy S-17.52. Single-family residences are identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

Policy S-17.53. No net loss of ecological functions must be assured with specific standards for setback of structures sufficient to avoid problems with future soil stabilization, planted areas, density, shoreline stabilization, and on-site sewage disposal.

Policy S-XX. Prohibit residential structures, floating homes (except that floating shelters for boats may be allowed in a marina for community and/or youth boating programs operated by nonprofit organization or public agencies), and accessory structures except for permitted docks in areas waterward of the ordinary high water mark, or within wetlands, habitat conservation areas, flood hazard areas, landslide hazard areas or their respective buffers.

Policy S-XX. Ensure that all residential development is designed:

At a level of density of site coverage and occupancy compatible with the physical capabilities of the shoreline area, and consistent with the density provisions of the Anacortes Comprehensive Plan Ordinance No. ~~2757~~2982, dated July 18, 2016 and Zoning Unified Development Code Ordinance No. ~~2702~~3040, dated July 22, 2019, as amended.

To preserve and enhance existing shoreline vegetation, control erosion and protect water quality, ecological resources and shoreline aesthetics of the shoreline both during and after construction.

To protect public views and provide public access to the shoreline. In accordance with the Public Access requirements in Chapter 7, residential developments of more than four (4) dwelling units should provide dedicated and improved public access to the shoreline.

To preserve natural drainage courses, aquifer recharge areas, and similar ecologically sensitive areas.

Commented [AC3]: Table 5-1 #9

Private views of the shoreline, although considered during the review process, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction. Residential structures greater than thirty-five feet above average grade level are prohibited, except for a multi-use project containing multi-family residential.

To blend into the site as much as possible.

Policy S-XX. Consider additional design features for new subdivision and short subdivisions that:

Cluster dwelling units in order to preserve natural features, minimize physical impacts, and provide for public access to the shoreline.

Maintain usable waterfront areas for the common use of all property owners within the development.

Are serviced by sanitary sewer and public water facilities in accordance with appropriate state and local health regulations. Storm drainage facilities ~~shall~~must be separate, not combined with sewage disposal systems.

Assures that the lots created will not require shoreline stabilization other than soft armoring in order for reasonable use to occur.

Policy S-XX. Encourage joint use of shoreline facilities including access stairs, trams, piers, and docks.

Policy S-XX. Planned unit residential developments which provide for additional open space and public shoreline access are encouraged.

Policy S-XX. Subdivisions and high density residential developments are to be planned and designed to avoid problems of storm and sanitary sewage disposal, and minimize impervious surfaces.

### *Scientific, Cultural and Educational Facilities*

Policy S-XX. Consider permanently preserving sites, where practicable, consistent with constitutional and statutory limitations, for scientific study and public observation.

Policy S-XX. Provide for site inspections and an evaluation by a professional archaeologist in coordination with affected Indian tribes. Ensure that archaeological data is properly salvaged by attaching special conditions to development activities in areas known to contain archaeological data.

Policy S-XX. Prevent public or private developments from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value protected by state law wherever feasible, consistent with constitutional and statutory limitations.

Policy S-XX. Ensure that excavation activities are conducted in compliance with the applicable policies and standards of this Master Program.

Policy S-XX. An inventory of historical and archeological sites should be prepared and referred to when reviewing plans for development in shoreline areas.

Policy S-XX. If, in the course of construction on shorelines, items of possible archeological significance are uncovered, the contractor ~~shall~~must notify the City of the find, and stop work which could damage such items, or protect the items from damage, until appropriate evaluations and actions can be carried out.

### *Transportation Facilities*

Policy S-XX. Proposed transportation and parking facilities are required to plan, locate, and be designed where routes will have the least possible adverse effect on unique or fragile shoreline features, and will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.

Policy S-XX. Circulation system plans must include systems for pedestrian, bicycle, and public transportation where appropriate.

Policy S-XX. Parking ~~shall~~must be allowed only as necessary to support an authorized shoreline use and where it minimizes environmental and visual impacts of the parking facilities.

Policy S-XX. Discourage the location of new roads in the shoreline jurisdiction.

Policy S-XX. Reserve new roads for local access traffic or to connect to and serve new or existing transportation facilities.

Policy S-XX. Avoid unnecessary duplication of roads by making use of existing roads where practicable. New wetland crossings by roads or trails should be avoided.

Policy S-XX. Plan road locations to fit the topography so alterations of natural conditions will be minimized.

Policy S-XX. Make provisions for scenic corridors and safe pedestrian and other non-motorized travel when designing new public roadways. Also, provisions should be made for viewpoints, rest areas, scenic corridors, and picnic areas in public shorelines.

Policy S-XX. Coordinate plans for transportation facilities with land use. Plans for transportation facilities should be consistent with the Anacortes Comprehensive Plan.

Policy S-XX. Road and railway development should be located as far inland from the land/water interface as feasible and should not interfere with other appropriate shoreline uses, or degrade shoreline areas.

Policy S-XX. Design of roadways on shoreline areas should take advantage of scenic vistas and provide for viewpoints and rest and picnic sites in public areas.

Policy S-XX. Design of new roadways or redesigned roadways ~~shall~~must use Low Impact Development provisions when practicable.

### *Utilities*

Policy S-XX. Design, location and maintenance of utilities is required to assure no net loss of ecological functions.

Policy S-XX. Utilities are required to be located in existing rights-of-ways whenever possible.

Policy S-XX. Utility production and processing facilities and transmission facilities are required to be located outside of shoreline jurisdiction, unless no other feasible option exists.

Policy S-XX. Incorporate, to the extent feasible, major utility corridors on shorelines areas into the City's programs and plans for public access to and along water bodies.

Policy S-XX. Prohibit solid waste disposal activities and facilities, other than minor recycling facilities as defined by the AMC, in shoreline areas.

Policy S-XX. Prohibit utilities in wetlands and other critical areas unless no other practicable alternative exists.

Policy S-XX. Ensure that whenever utilities must be placed in a shoreline area, the location is chosen to:

- Meet the needs of future populations in areas planned to accommodate this growth.

- Utilize existing transportation and utility sites, rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.

- Preserve scenic views and aesthetic qualities of the shoreline area.

- Be located such that shoreline defense works will not be required for the life of the project.

- Non-water-oriented parts of wastewater treatment, water reclamation, desalinization, and power plant facilities ~~shall~~ must be located outside shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.

Policy S-XX. Restore the land/substrate to its pre-project configuration upon completion of installation/maintenance of utilities in shorelines. Disturbed areas should be replanted with native species, and be provided with irrigation and maintenance care until the newly planted vegetation is established.

Policy S-XX. Placement of utilities in shoreline areas should be planned and designed to avoid degradation of the shorelines and shoreline views during and after installation.

## Specific Shoreline Modification Policies

### *General Policies and Regulations*

#### POLICIES APPLICABLE TO ALL SHORELINE MODIFICATIONS

Policy S-XX. Locate and design all new development in a manner that prevents or minimizes the need for shoreline modifications.

Policy S-XX. Regulate shoreline modifications to assure that the modifications individually and cumulatively do not result in a net loss of ecological functions. Mitigation may be required to meet the no net loss standard.

Policy S-XX. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions and require mitigation of identified impacts resulting from shoreline modifications.

Policy S-XX. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. Incorporate all feasible measures to protect ecological shoreline functions and values and ecosystem-wide processes and values in the placement and design of shoreline modifications. To avoid and reduce ecological impacts, the mitigation sequence in WAC 173-26-201(2)(e) should be followed.

Policy S-XX. Non-structural shoreline modifications are preferred over structural modifications.

Policy S-XX. Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters.

### *Boat Launches*

Policy S-XX. Maintain, improve, and expand existing boat launch capacity for future Port, commercial, and recreational uses.

Policy S-XX. Install, maintain and rebuild boat launches in such a manner as to minimize adverse affects on natural and physical shoreline resources.

### *Breakwaters*

Policy S-XX. Breakwaters should be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

Policy S-XX. The availability for public use of the shoreline and water surface should be a strong consideration in allowing future breakwater construction.

Policy S-XX. Before a permit for breakwater construction can be issued, the construction and subsequent maintenance phases must be identified.

Policy S-XX. Multiple use concepts are to be strongly encouraged in the construction of both private and public breakwaters.

Policy S-XX. The design and construction of breakwaters ~~shall~~must address impacts to, and protect, ecological functions and critical areas. Mitigation sequencing and appropriate mitigation ~~shall~~will be required.

Policy S-XX. Breakwater design and construction should be such that disruption to the movement of sand, circulation of water, and biological communities are minimized and mitigated.

Policy S-XX. Floating breakwaters are preferred over traditional breakwater designs.

### *Docks, Piers and Floats*

Policy S-XX. Limit docks, piers and floats to those required as part of a permitted water-dependent use; those operated by the City, the Port of Anacortes, Washington State Ferries, or those otherwise provided for public use. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.

Policy S-XX. Limit docks, piers and floats associated with single-family residential use to the single-family residences within Flounder Bay and Cap

Sante. Prohibit all other docks, piers and floats associated with single-family residences.

Policy S-XX. Prohibit docks, piers and floats located outside of a permitted marina to be used for permanent moorage of occupied boats (i.e., liveboards).

Policy S-XX. Prohibit over water boathouses except that floating shelters for boats may be allowed in a marina for community and/or youth boating programs operated by nonprofit organization or public agencies.

Policy S-XX. Ensure that docks, piers, and floats are:

- Considered together with shoreline characteristics, tidal action, aesthetics and adjacent land and water uses.

- Discouraged at locations where critical physical limitations exist, such as shallow, sloping bottoms; areas of frequent high wind, wave, or current exposure; high littoral drift areas; or slide prone and/or feeder bluffs.

- Designed and maintained to mitigate adverse impacts to the environment such as eelgrass beds and fish habitats shoreline aesthetics and minimize interference with the public use of the water.

- Designed, constructed, and maintained to provide a reasonable level of safety to users.

Policy S-XX. Encourage consideration of mooring buoys in place of piers, docks, and floats.

Policy S-XX. Use of floating docks or open pile piers is preferred over solid structures in order to minimize obstruction to currents and circulation of marine life.

Policy S-XX. The cooperative use of piers and docks should be encouraged. New residential development of two or more single-family dwellings should provide joint use or community dock facilities.

Policy S-XX. Piers and docks should not be constructed so as to obstruct navigable waters or to significantly reduce public use of the water surface.

Policy S-XX. Wood products treated with creosote or pentachlorophenol are prohibited on all new structures or repair projects. Use of other treated wood containing toxic compounds should only be used where non-toxic materials are deemed impracticable.

Policy S-XX. Pier and dock construction should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

### *Dredging and Dredge Soil Disposal*

Policy S-XX. Dredging of navigable channels and berths and marina areas should be permitted provided that it avoids or, if that is not practicable, minimizes adverse effects on marine or freshwater habitat and ecological function. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

Policy S-XX. Dredging of navigable channels, berths, marina areas, and effective reuse of dredged materials should be consistent with this Master Program and other City plans and regulations.

Policy S-XX. Disposal or deposition of dredged material in water areas should be allowed when it is for the improvement of habitat or restoration of ecological functions, or where the alternative of depositing material on land is more detrimental to the shoreline resource than depositing it in the water, or as approved by state agencies at an approved deep-water disposal site.

Policy S-XX. Beneficial use of dredge material for environmental remediation projects, ecological enhancement, and restoration should be encouraged.

Policy S-XX. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

Policy S-XX. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing or proposed navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

Policy S-XX. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

## *Fill*

Policy S-XX. Fill should be located, designed, and constructed to protect shoreline ecological processes and functions.

Policy S-XX. Fill landward of the ordinary high water mark should be permitted when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.

Policy S-XX. Fill waterward of the ordinary high water mark should be permitted only by Shoreline Conditional Use Permit when necessary to accommodate water-dependent uses; public access; expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; a transportation facility, utility, or navigational structure with no feasible alternative; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; disposal of dredged material considered suitable under and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources, Department of Ecology and U.S. Army Corps of Engineers; and public access.

Policy S-XX. Shoreline areas should not be considered for location of sanitary (municipal solid waste) landfills or the disposal of material which will cause significant water quality impacts.

Policy S-XX. Perimeters of fill should be protected by shoreline stabilization or other design measures, unless it can be demonstrated that there will be environmental or public benefit for not employing any of these methods.

Policy S-XX. Placement of material for maintenance, restoration, or enhancement of beaches or mitigation should be permitted.

Policy S-XX. Fill should not adversely impact navigation.

## *Jetties and Groins*

Policy S-XX. Jetties and groins located waterward of the OHWM ~~shall~~will be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

Policy S-XX. Jetties and groins should be permitted only for water-dependent uses when the benefits to the region outweigh short-term resource losses from such works, and only where mitigated to provide no net loss of shoreline ecological functions and processes.

Policy S-XX. Alternative structures, including several smaller discontinuous structures, should be considered where physical conditions make such alternatives with less impact feasible.

Policy S-XX. Jetties and groins ~~shall~~must be designed to protect critical areas and ~~shall~~will apply mitigation sequencing.

## *Mooring Buoys*

Policy S-XX. Allow mooring buoys for transient boaters as a means to encourage economic development and recreation. Designated mooring buoys provide boaters with an alternative to anchoring in critical eelgrass beds.

Policy S-XX. Work with the Port of Anacortes, Washington State Parks, other public or non-profit agencies and the Department of Natural Resources to identify a "carrying capacity" of mooring buoys.

Policy S-XX. Prohibit mooring buoys where such installations will significantly interfere with navigation.

Policy S-XX. Discourage the placement of mooring buoys where sufficient dock facilities exist.

Policy S-XX. Ensure that mooring buoys are located, designed, constructed and operated in a manner that will minimize damage to sensitive ecological areas such as eelgrass beds, or aquaculture resources or facilities, except where the impacts of the mooring buoys will replace existing and ongoing practices that cause greater ecological degradation. (For example, the lesser impact of mooring buoys may be a suitable alternative to the current impacts of boat anchors.)

Policy S-XX. Ensure that mooring buoy fields are located, designed and operated so as to be compatible with adjacent uses and protect the aesthetic qualities of the shoreline environment.

Policy S-XX. Ensure that mooring buoys and the swing path of attached vessels do not encroach on navigation channels, privately owned tidelands, or the swing path of a legally established or "grandfathered" moored boat and buoy.

Policy S-XX. Extended moorage on waters of the state without a lease or permission ~~shall~~must be actively discouraged and mitigation of impacts to navigation and access is required.

## *Shoreline Habitat and Natural Systems Enhancement Projects*

Policy S-XX. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or

enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.

Policy S-XX. Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive and/or locally important plant, fish and wildlife species.

Policy S-XX. The City should seek funding from State, Federal, private and other sources to implement restoration, enhancement, and acquisition projects, particularly those that are identified in the Restoration Plan of this SMP (Appendix B) or any local watershed or area plans.

Policy S-XX. The City should develop processing guidelines that will streamline the review of restoration-only projects.

Policy S-XX. Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

### *Shoreline Stabilization Measures & Flood Protection Works*

Policy S-XX. Strive to reduce or eliminate the need for structural shoreline modifications activities through application of appropriate land use designations, development standards, and public education.

Policy S-XX. Discourage new development requiring structural shoreline stabilization. Any such work will require mandatory geotechnical analysis. New development on steep slopes and bluffs ~~shall~~ must be set back to prevent the need for future shoreline stabilization during the life of the project.

Policy S-XX. Relocating existing structures out of harm's way is preferable to construction of structural shoreline stabilization.

Policy S-XX. Allow structural stabilization methods only:

After a determination is made by a qualified professional with experience and proven success installing non-structural bio-engineered shoreline stabilization techniques that soft armoring will not succeed or is not suitable due to specific site considerations.

Where it has been demonstrated to be necessary to support or protect a legally established, inhabited structure or ongoing shoreline use that is in danger of loss or substantial damage, or when necessary for reconfiguration of the shoreline for mitigation or enhancement purposes, or where necessary to the operation and location of a new, single-family or multifamily structure, or a water-dependent, water-related, or water-enjoyment use consistent with this Master Program. They will not be permitted for the indirect purpose of creating land by filling.

Policy S-XX. Encourage soft stabilization and protection works, such as protective berms or vegetative stabilization over "hard" structural means such as concrete bulkheads or extensive revetments. Furthermore, designs that do not interrupt net drift or migration of anadromous fish are preferred (for example, open piling construction is preferable to solid walls, and floating breakwaters are preferable to solid landfills).

Policy S-XX. Potential impacts that proposed shoreline stabilization measures have on ecosystem-wide processes (e.g., sand movement) and functions (e.g., habitat) must be evaluated. Make provisions to minimize impacts where feasible. Mitigation must be provided to achieve no net loss of ecological functions.

Policy S-XX. Give special attention to the effect these structures will have on aesthetic qualities of the shoreline, public access and use of the water.

Policy S-XX. Construction of shoreline stabilization measures should not be allowed until effects on adjacent shores have been evaluated by the Shoreline Administrator against Shoreline Goals, Policies and Regulations. A coastal engineering report that considers alternative protection measures should be required for all proposals for new shoreline stabilization structures.

Policy S-XX. Shoreline stabilization measures should be designed to have a minimal degradation on water views, and avoid adverse effects on fisheries resources.

Policy S-XX. Shoreline stabilization measures which would decrease publicly owned lands should not be allowed.

Policy S-XX. Shoreline stabilization structures should be allowed only where demonstrated to be necessary to support or protect permitted shoreline uses or where an existing structure is in imminent danger from shoreline erosion.

Policy S-XX. One foot of bank hardening ~~shall~~ must be removed or other equivalent mitigation for every foot of hardening installed. Such removal may be on non-contiguous sites, and may be on public property with agreement of the entity owning the site.

Policy S-XX. New development, including creation of new parcels, that would require shoreline stabilization is prohibited, unless needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.

#### ADDITIONAL POLICIES FOR HARD STABILIZATION METHODS

Policy S-XX. Evaluate the cumulative effect of allowing "hard" stabilization methods along the shoreline prior to permitting new "hard" structures. If it is determined that the cumulative effect would have a net loss of ecological functions on the shoreline, then exemptions and permits should not be granted.

Policy S-XX. Do not permit "hard" structures as a solution to geo-physical problems such as mass slope failure, sloughing, or landslides. Hard structures should only be approved for the purposes of preventing bank erosion.