



18.25.440 Aquaculture.

(1) Policies.

- (a) Aquaculture is a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Jefferson County.
- (b) The county should support aquaculture uses and developments that:
 - (i) Protect and improve water quality; and
 - (ii) Minimize damage to important nearshore habitats; and
 - (iii) Minimize interference with navigation and normal public use of surface waters; and
 - (iv) Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, land-based facilities, and substrate disturbance/modification (including rate, frequency, and spatial extent).
- (c) When properly managed, aquaculture can result in long-term ecological and economic benefits. The county should engage in coordinated planning to identify potential aquaculture areas and assess long-term needs for aquaculture. This includes working with the Department of Fish and Wildlife (DFW), the Department of Natural Resources (DNR), area tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture's long-term sustainability.
- (d) Aquaculture use and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize adverse environmental impacts. Individual aquaculture uses and developments should be separated by a sufficient distance to ensure that significant adverse cumulative effects do not occur.
- (e) The county should support tideland aquaculture use and development when consistent with this program and protect tidelands and bedlands that were acquired and retained under the Bush and Callow Acts by not permitting non-aquaculture use and development on these tidelands.
- (f) Intensive residential uses, other industrial and commercial uses, and uses that are unrelated to aquaculture should be located so as not to create conflicts with aquaculture operations.
- (g) The county should promote cooperative arrangements between aquaculture growers and public recreation agencies so that public use of public shorelines does not conflict with aquaculture operations.
- (h) Experimental forms of aquaculture involving the use of new species, new growing methods or new harvesting techniques should be allowed when they are consistent with applicable state and federal regulations and this program.
- (i) The county should support community restoration projects associated with aquaculture when they are consistent with this program.
- (j) Commercial and recreational shellfish areas including shellfish habitat conservation areas are critical habitats. Shellfish aquaculture activities within all public and private tidelands and bedlands are allowed uses. Such activities include but are not limited to bed marking, preparation, planting, cultivation, and harvest.
- (k) Chemicals and fertilizers used in aquaculture operations should be used in accordance with state and federal laws, and this program.
- (l) The county recognizes upland finfish aquaculture is considered a type of agricultural production by the Jefferson County Comprehensive Plan, RCW [36.70A.030](#), and [90.58.065](#). However, for purposes of this program, upland finfish aquaculture should instead be managed as aquaculture and aquaculture activities, as defined in Article II of this chapter.

- (m) Finfish aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, pharmaceuticals, non-indigenous species, parasites, viruses, genetically modified organisms, feed, or other materials known to be harmful into surrounding waters should not be allowed unless significant impacts to surrounding habitat and conflicts with adjacent uses are effectively mitigated.
- (n) The county should prefer all finfish aquaculture use and development (in-water and upland) that operates with fully contained systems that treat effluent before discharge to local waters over open systems.
- (o) The county should allow in-water finfish aquaculture in the open waters of the Strait of Juan de Fuca only when the area seaward of the ordinary high water mark (OHWM) which is subject to the county's jurisdiction extends a considerable distance, and when consistent with other provisions of this program.
- (p) The county should prohibit in-water finfish aquaculture in waters of Jefferson County where there are habitat protection designations in place and/or water quality issues documented.

(2) **Uses and Activities Prohibited Outright.**

- (a) In-water finfish aquaculture use/development, including net pens as defined in Article II of this chapter, shall be prohibited in the following areas due to established habitat protection designations and/or water quality issues:
 - (i) Protection Island aquatic reserve or within 1,500 feet of the boundary;
 - (ii) Smith and Minor Islands aquatic reserve or within 1,500 feet of the boundary;
 - (iii) Discovery Bay, south of the boundary of the Protection Island aquatic reserve;
 - (iv) South Port Townsend Bay mooring buoy management plan area; and
 - (v) Hood Canal, south of the line extending from Tala Point to Foulweather Bluff, including Dabob and Tarboo Bays.

(3) **Shoreline Environment Regulations.**

- (a) **Priority Aquatic.** Aquaculture activities may be allowed subject to the use and development regulations of the adjacent upland shoreline environment, except all finfish aquaculture (in-water and upland) is prohibited.
- (b) **Aquatic.** Aquaculture activities may be allowed subject to the use and development regulations of the adjacent upland shoreline environment.
- (c) **Natural.** Aquaculture activities, except for geoduck aquaculture, may be allowed subject to policies and regulations of this program. Geoduck aquaculture may be allowed with a conditional use permit (C(d)). All finfish aquaculture is prohibited, except in-water finfish aquaculture may be allowed with a conditional use permit (C(d)) where the area within the county's jurisdiction extends seaward more than eight miles from the OHWM, as measured perpendicularly from shore. This does not require facilities to locate eight miles offshore; see other provisions of this section for siting requirements and supplemental maps for additional information.
- (d) **Conservancy.** Aquaculture activities, except for geoduck aquaculture, may be allowed subject to policies and regulations of this program. Geoduck and upland finfish aquaculture may be allowed with a conditional use permit (C(d)). In-water finfish aquaculture is prohibited.
- (e) **Shoreline Residential.** Aquaculture activities, except for geoduck aquaculture, may be allowed subject to policies and regulations of this program. Geoduck aquaculture may be allowed with a conditional use permit (C(d)). All finfish aquaculture (in-water and upland) is prohibited.
- (f) **High Intensity.** Aquaculture activities may be allowed subject to policies and regulations of this program, except all finfish aquaculture (in-water and upland) may be allowed with a conditional use permit (C(d)).
- (g) For a summary and graphic approximation of the above shoreline environment regulations allowance of in-water finfish aquaculture, see Figure 18.25.440.

Figure 18.25.440 – Summary and Maps of SED Allowance for In-Water Finfish Aquaculture

Shoreline Environment Designations (SEDs)

	Waterward		Landward			
	Priority Aquatic	Aquatic	Natural	Conservanc y	Shoreline Residential	High Intensity
Would in-water finfish aquaculture be allowed to locate in this SED?	No	Yes	OHW M	No	No	Yes
Notes		But only when the adjacent upland SED allows	Except when there is 8+ miles of seaward jurisdiction			

1 Not within the Protection Island Aquatic Reserve, the Smith and Minor Islands Aquatic Reserve or within 1,500 feet of their boundary

2 Not in Discovery Bay, south of the boundary for the Protection Island Aquatic Reserve, due to significant water quality concerns

3 Not within the South Port Townsend Bay mooring buoy management plan area or within 1,500 feet of the boundary, due to significant water quality concerns

4 Not in Hood Canal, south of the line from Tala Point to Foulweather Bluff (Kitsap County), due to significant water quality concerns

1 Strait of Juan de Fuca

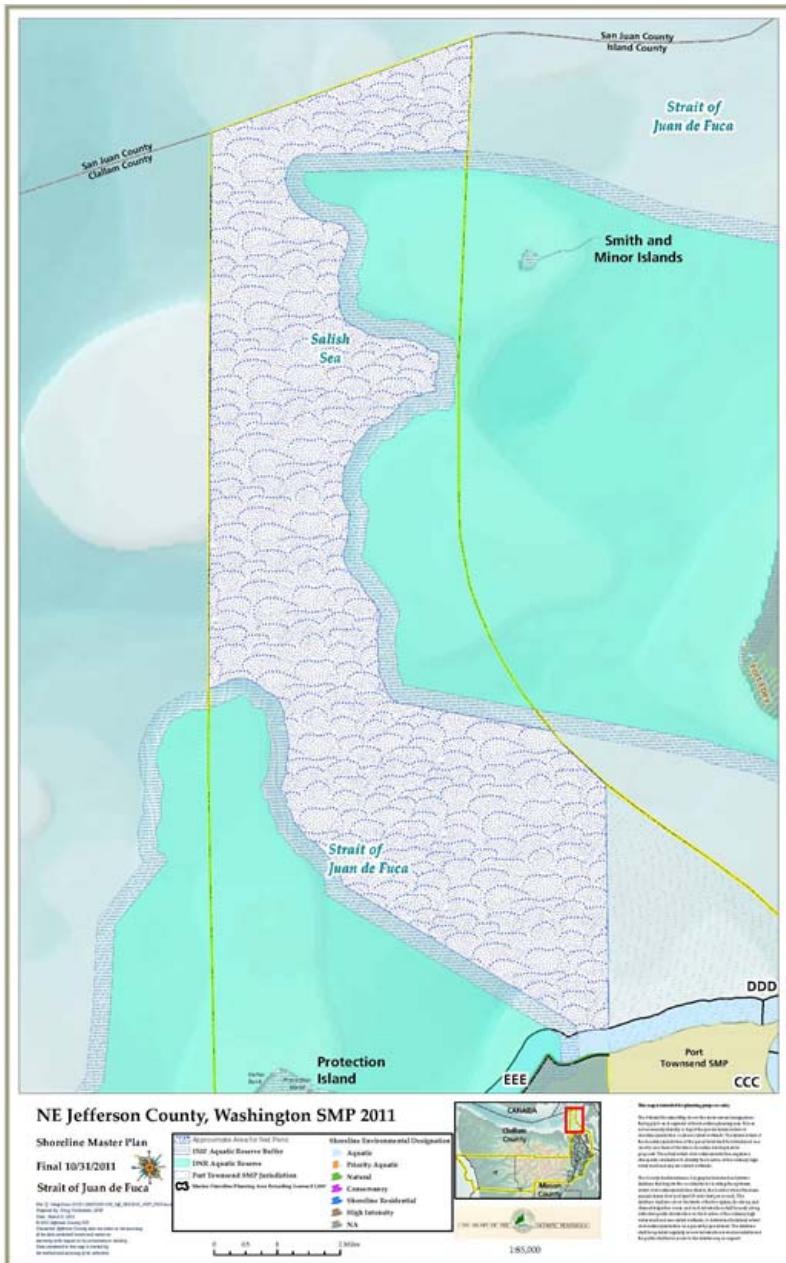
2 Glen Cove

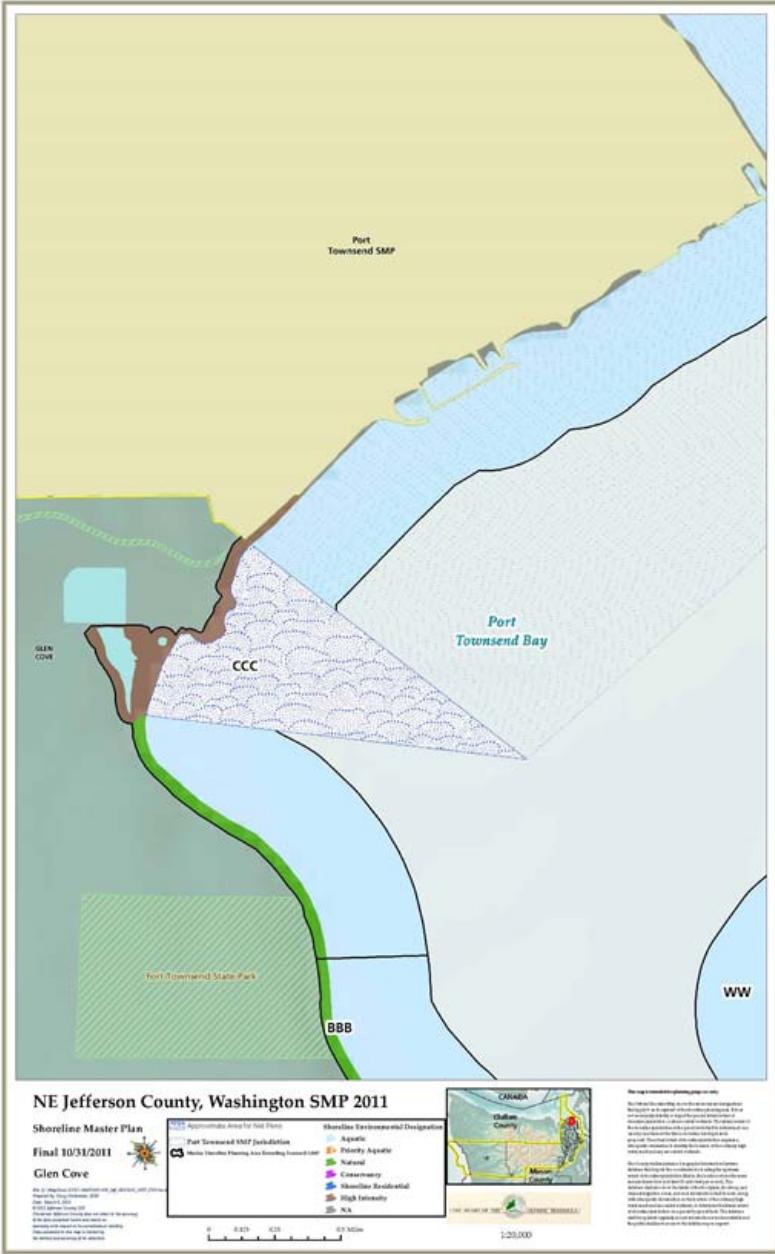
3 Mats Mats

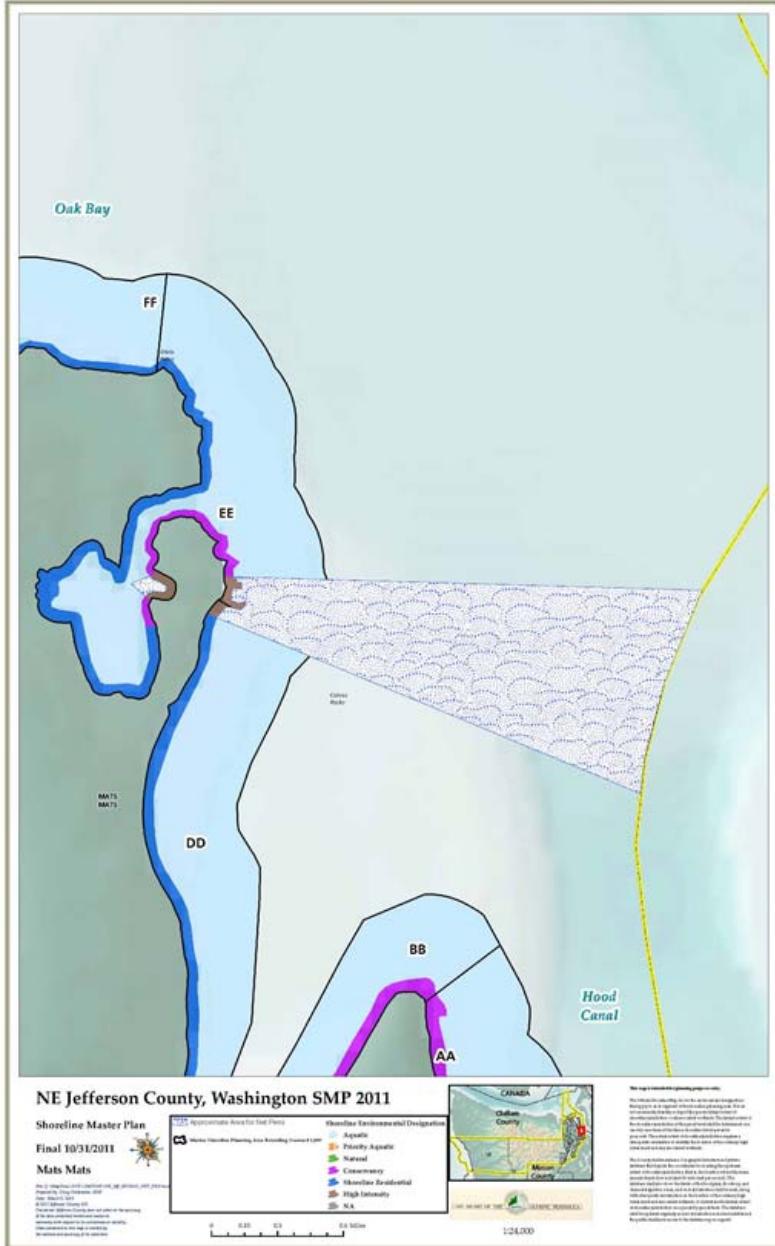
4 Port Ludlow

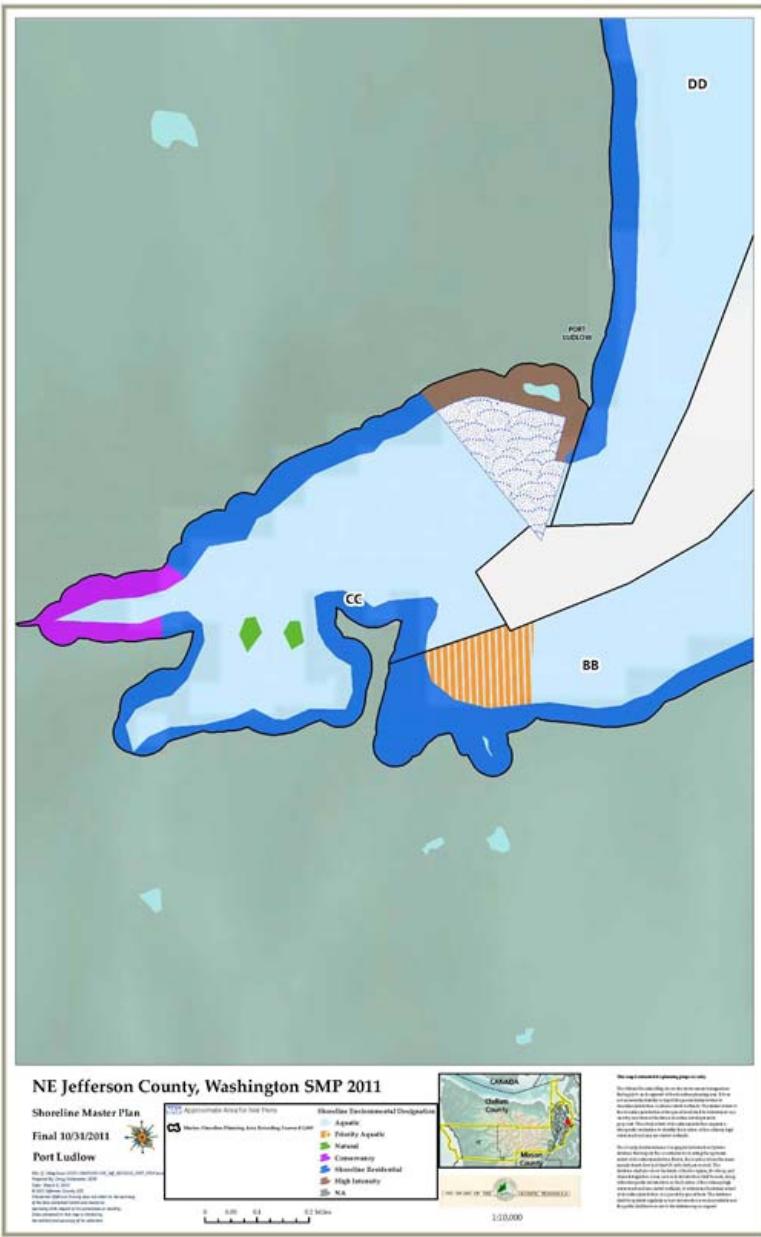
NOTE: Proposals also have to meet all conditional use permit (CUP) performance standards and other applicable provisions of this program.

Approximate siting locations are illustrated in the following four maps:









(4) Regulations – General.

- (a) When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm. If the initial approval is a shoreline substantial development permit, it shall be valid for a period of five years with a possible one-year extension. If the initial approval is a conditional use permit, it shall be valid for the period specified in the permit.
- (b) Ongoing maintenance, harvest, replanting, restocking of or changing the species cultivated in any existing or permitted aquaculture operation is not considered new use/development, and shall not require a new permit, unless or until:
- The physical extent of the facility or farm is expanded by more than 25 percent or more than 25 percent of the facility/farm changes operational/cultivation methods compared to the conditions that existed as of the effective date of this program or any amendment thereto. If the amount of expansion or change in cultivation method exceeds 25 percent in any 10-year period, the entire operation shall be considered new aquaculture and shall be subject to applicable permit requirements of this section; or
 - The facility proposes to cultivate species not previously cultivated in the state of Washington.

4(c) Aquaculture uses and activities involving hatching, seeding, planting, cultivating, raising and/or harvesting of planted or naturally occurring shellfish shall not be considered development, as defined in Article II of this chapter, and shall not require a shoreline substantial development permit, unless:

- (i) The activity substantially interferes with normal public use of surface waters; or
- (ii) The activity involves placement of any structures as defined in Article II of this chapter; or
- (iii) The activity involves dredging using mechanical equipment such as clamshell, dipper, or scraper; or

(iv) The activity involves filling of tidelands or bedlands.

(d) The county shall assess the potential for interference described in subsection (3)(c) of this section on a case-by-case basis. All proposed new aquaculture uses or developments shall submit a joint aquatic permit application (JARPA) and SEPA checklist to enable assessment by the county. Activities shall not be considered to substantially interfere with normal public use of surface waters, unless:

- (i) They occur in, adjacent to or in the immediate vicinity of public tidelands; and
- (ii) They involve the use of floating ropes, markers, barges, floats, or similar apparatus on a regular basis and in a manner that substantially obstructs public access, or passage from public facilities such as parks or boat ramps; or they exclude the public from more than one acre of surface water on an ongoing or permanent basis.

(e) Aquaculture activities not listed in subsection (4)(c) of this section and listed activities that fail to meet any of the criteria in subsection (1)(b) of this section shall require a shoreline substantial development permit (SDP) or conditional use permit (CUP), and shall be subject to all of the following regulations:

(i) Subtidal, intertidal, floating, and upland structures and apparatus associated with aquaculture use shall be located, designed and maintained to avoid adverse effects on ecological functions and processes.

(ii) The county shall consider the location of proposed aquaculture facilities/farms to prevent adverse cumulative effects on ecological functions and processes and adjoining land uses. The county shall determine what constitutes acceptable placement and concentration of commercial aquaculture in consultation with state and federal agencies and tribes based on the specific characteristics of the waterbody, reach, drift cell, and uplands in the vicinity of the farm/facility.

(iii) Upland structures accessory to aquaculture use that do not require a waterside location or have a functional relationship to the water shall be located landward of shoreline buffers required by this program.

(iv) Overwater work shelters and sleeping quarters accessory to aquaculture use/development shall be prohibited.

(v) Floating/hanging aquaculture structures and associated equipment shall not exceed 10 feet in height above the water's surface. The administrator may approve hoists and similar structures greater than 10 feet in height when there is a clear demonstration of need. The 10-foot height limit shall not apply to vessels.

(vi) Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.

(vii) Aquaculture use and development shall not materially interfere with navigation, or access to adjacent waterfront properties, public recreation areas, or tribal harvest areas. Mitigation shall be provided to offset such impacts where there is high probability that adverse impact would occur. This provision shall not be interpreted to mean that an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland owners.

(viii) Aquaculture uses and developments, except in-water finfish aquaculture, shall be located at least 600 feet from any National Wildlife Refuge, seal and sea lion haulouts, seabird nesting colonies, or other areas identified as critical feeding or migration areas for birds and mammals. In-water finfish facilities, including net pens, shall be located 1,500 feet or more from such areas. The county may

approve lesser distances based upon written documentation that U.S. Fish and Wildlife Service (USFWS), Washington Department of Fish and Wildlife (WDFW) and affected tribes support the proposed location.

(ix) Aquaculture use and development shall be sited so that shading and other adverse impacts to existing red/brown macro algae (kelp), and eelgrass beds are avoided.

(x) Aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors, that minimize disturbance to substrate.

(xi) Where aquaculture use and development are authorized to use public facilities, such as boat launches or docks, the county shall reserve the right to require the applicant/proponent to pay a portion of the maintenance costs and any required improvements commensurate with the applicant's/proponent's use.

(xii) Aquaculture use and development shall employ nonlethal, nonharmful measures to control birds and mammals. Control methods shall comply with existing federal and state regulations.

(xiii) Aquaculture use and development shall avoid use of chemicals, fertilizers and genetically modified organisms except when allowed by state and federal law.

(xiv) Non-navigational directional lighting associated with aquaculture use and development shall be used wherever possible and area lighting shall be avoided and minimized to the extent necessary to conduct safe operations. Non-navigational lighting shall not adversely affect vessel traffic.

(xv) Aquaculture waste materials and by-products shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (Chapter [90.48 RCW](#)).

(f) Prior to approving a permit for floating/hanging aquaculture use and development or bottom culture involving structures, the county may require a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities of the shoreline. The analysis shall demonstrate that adverse impacts on the character of those areas are effectively mitigated.

(5) Regulations – Finfish.

(a) The culture of finfish, including net pens as defined in Article II of this chapter, may be allowed with a discretionary conditional use approval (C(d)) subject to the policies and regulations of this program. All finfish aquaculture (in-water and upland) shall meet, at a minimum, state-approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail.

(b) All in-water finfish aquaculture (in-water and upland) proposals for facilities/operations shall:

(i) Provide the county, at the applicant's/operator's expense, a site characterization survey, baseline surveys, and annual monitoring as described in the 1986 Interim Guidelines, or subsequent documents approved by the state. The applicant/operator shall also provide the county with copies of all survey and monitoring reports submitted to Washington Departments of Ecology, Fish and Wildlife, and Natural Resources.

(ii) Submit an operations plan that includes projections for:

- (A) Improvements at the site (e.g., pens, booms, etc.) and their relationship to the natural features (e.g., bathymetry, shorelines, etc.);
- (B) Number, size and configuration of pens/structures;
- (C) Schedule of development and maintenance;
- (D) Species cultured;
- (E) Fish size at harvest;
- (F) Annual production;
- (G) Pounds of fish on hand throughout the year;
- (H) Average and maximum stocking density;
- (I) Source of eggs, juveniles, and broodstock;

- (J) Type of feed used;
 - (K) Feeding method;
 - (L) Chemical use (e.g., anti-fouling, antibiotics, etc.); and
 - (M) Predator control measures.
- (iii) Provide county with documentation of adequate property damage and personal injury commercial insurance coverage as required by Washington Department of Natural Resources and other agencies.
 - (iv) Where the county does not have expertise to analyze the merits of a report provided by an applicant, the applicant may be required to pay for third-party peer review of said report.
- (c) Bottom Sediments and Benthos.
 - (i) The depth of water below the bottom of any in-water finfish aquaculture facility shall meet the minimum required by the 1986 Interim Guidelines (i.e., 20 to 60 feet at MLLW), as based on facility production capacity (Class I, II or III) and the mean current velocity at the site, measured as noted in the Guidelines or by more current data/methodology.
 - (ii) In-water finfish aquaculture operations shall be prohibited where mean current velocity is less than 0.1 knots (five cm/sec).
 - (iii) The pen configuration (e.g., parallel rows, compact blocks of square enclosures, or clusters of various sized round enclosures, whether oriented in line with or perpendicular to the prevailing current direction) of any in-water finfish aquaculture facility shall be designed and maintained to minimize the depth and lateral extent of solids accumulation.
 - (iv) The use of unpelletized wet feed shall be prohibited to minimize undigested feed reaching the benthos or attracting scavengers in the water column.
 - (v) Anchoring or mooring systems shall utilize adequately sized helical devices or other methods to minimize disturbance to the benthos.
 - (d) Water Quality.
 - (i) All in-water finfish aquaculture facilities shall be designed, located and operated to avoid adverse impacts to water temperature, dissolved oxygen and nutrient levels, and other water quality parameters. Facilities must comply with National Pollutant Discharge Elimination Standards (NPDES) requirements.
 - (ii) All in-water finfish aquaculture facilities shall monitor water quality and net cleaning activities to comply with state requirements (including WAC [173-201A-210](#)), especially during periods of naturally high water turbidity. Additional net cleaning activities shall be performed, as needed, to ensure state water quality standards are met.
 - (e) Phytoplankton.
 - (i) In-water finfish aquaculture facility production capacity shall be limited in nutrient sensitive areas to protect water quality and shall not exceed 1,000,000 pounds annual production per square nautical mile. The following shall apply for specific geographic areas:
 - (A) In the main basin of Puget Sound (area south of the sill at Admiralty Inlet extending to the line between Tala Point and Foulweather Bluff, including Port Townsend Bay, Kilisut Harbor, and Oak Bay, and extending to the county's boundary midway to Whidbey Island), annual production shall be limited by the site characteristics in compliance with this program.
 - (ii) Applicants shall demonstrate through field and modeling studies that the proposed fish farms will not adversely affect existing biota.
 - (f) Chemicals.
 - (i) Only FDA-approved chemicals shall be allowed on a case-by-case basis for anti-fouling, predator control and other purposes. The use of tributyltin (TBT) is prohibited and all chemical use shall be reported to the state as required.
 - (ii) When necessary, vaccination is preferred over the use of antibiotics. Only FDA-approved antibiotics shall be used and such use shall be reported to the state as required. Operator shall take all necessary precautions to ensure that nearby sediments and shellfish do not accumulate significant

amounts of antibiotics.

(g) Food Fish and Shellfish.

(i) All in-water finfish aquaculture facilities shall be located to avoid adverse impacts to habitats of special significance (as defined in Article II of this chapter) and populations of food fish and shellfish as follows, as determined on a case-by-case basis:

(A) When adjacent to any wildlife refuge, sanctuary, aquatic reserve or similar area intended to protect threatened or endangered species, locate a minimum of 300 feet in all directions from such protected areas;

(B) When water depth is less than 75 feet, locate at least 300 feet down-current and 150 feet in all other directions from significant habitats;

(C) When water depth is greater than 75 feet, locate at least 150 feet from significant habitat.

(ii) The county shall designate protective buffer zones around habitats of special significance in accordance with marine area spatial planning efforts led by the state, when such guidance and methodologies are available.

(h) Importation of New Fish Species. All in-water finfish aquaculture facilities shall comply with existing state and federal regulations to ensure importation of new and/or nonnative species does not adversely affect existing and/or native species.

(i) Genetic Issues.

(i) In compliance with state and federal requirements, in-water finfish aquaculture facilities that propose to culture species native to local waters should use stocks with the greatest genetic similarity to local stocks.

(ii) When there is increased risk of interbreeding or establishment of naturalized populations of the cultured species that would be in conflict with native stocks, only sterile or mono-sexual fish shall be allowed.

(iii) All in-water finfish aquaculture facilities shall locate a minimum distance from river mouths where wild fish could be most vulnerable to genetic degradation, as determined on a case-by-case basis or by state guidance.

(j) Escapement and Disease.

(i) All in-water finfish aquaculture facilities shall comply with state and federal requirements to control pests, parasites, diseases, viruses and pathogens and to prevent escapement including, but not limited to, those for certified eggs, approved import/transport and live fish transfer protocols, escapement prevention, reporting and recapture plans, and disease inspection and control per RCW [77.15.290](#), Chapter [77.115](#) RCW, Chapters [220-76](#) and [220-77](#) WAC and other requirements as appropriate.

(ii) The use of regional broodstock is preferred.

(iii) As consistent with the above mentioned Washington statutes and administrative rules, and other applicable authorities, all in-water finfish aquaculture facility operators shall provide the county with a disease response plan to detail specific actions and timelines to follow when an outbreak is detected. The plan shall address transport permit denial, quarantine, confiscation, removal, and other possible scenarios, identify what agencies will be notified or involved, what alternate facilities may be used, a public information/outreach strategy and other appropriate information.

(k) Marine Mammals and Birds.

(i) All in-water finfish aquaculture facilities shall locate a minimum of 1,500 feet from habitats of special significance for marine mammals and seabirds.

(ii) Only nonlethal techniques (e.g., anti-predator netting) shall be allowed to prevent predation by birds and/or mammals on the cultured stocks.

(l) Visual Quality. All in-water finfish aquaculture facilities shall conduct a visual impact assessment to evaluate and document the following siting and design variables in order to minimize visual impacts to adjacent and surrounding uses:

(i) Locate offshore from low bank shorelines rather than high bluff areas where angle of viewing

becomes more perpendicular to the plane of water making the facility more visually evident.

(ii) Locate offshore a minimum of 1,500 feet from ordinary high water mark, or a minimum of 2,000 feet when higher density residential development (rural residential 1:5, urban growth area, master planned resort, and preexisting platted subdivisions with density equivalent/greater to such) is present along the adjacent upland. The county may require a greater distance as determined by a visual impact assessment.

(iii) Facilities shall be designed to maximize a horizontal profile to repeat the plane of the water surface rather than project vertically above the water surface. Vertical height shall be the minimum feasible, not to exceed 10 feet from the surface of the water.

(iv) Facilities shall be designed so that the overall size and surface area coverage does not exceed 10 percent of the normal cone of vision, dependent on the foreshortening created by the offshore distance and the average observation height.

(v) Facilities shall be designed to borrow from the form of structures and materials already in the environment (e.g., pilings, docks, marinas) and to blend with the predominate color schemes present (i.e., blue, green, gray, neutral earth tones). The colors of white and black shall be minimized as they have highly variable appearance in response to lighting conditions. Bright colors such as red, yellow, and orange shall be avoided, unless required for safety purposes. The use of a variety of materials or colors shall be limited and ordered.

(vi) Facilities proposed to locate in the vicinity of existing in-water finfish aquaculture facilities shall evaluate the aggregate impacts and cumulative effects of multiple operations in the same area.

(vii) Facilities shall be designed and located so that the surface area of individual operations does not exceed two acres of surface coverage and no more than one operation per square nautical mile.

(viii) Land based access for parking, staging, launching, and storage associated with any in-water finfish aquaculture facilities shall be evaluated for visual impacts and conflicts with adjacent upland uses.

(m) Navigation, Military Operations and Commercial Fishing.

(i) When appropriate, in-water finfish aquaculture facilities shall be located close to shore and near existing navigational impediments (i.e., marinas, docks).

(ii) All in-water finfish aquaculture facilities shall be designed, located and operated to avoid conflict with military operations.

(iii) The county shall notify, as appropriate, marinas, ports, recreational and commercial boating/fishing organizations, and local tribes about comment opportunities during the permit review process, especially regarding proposed location of fish farm and related navigational aids.

(n) Human Health. All in-water finfish aquaculture facilities shall be designed, located and operated to:

(i) Ensure adequate water quality compatible with good husbandry practices;

(ii) Report any known bacteriological characteristics of fish food used;

(iii) Ensure proper storage of fish food to avoid alteration or degradation of feed quality;

(iv) Regularly monitor and report presence of parasites in farmed fish; and

(v) Comply with federal, state and local food safety requirements including, but not limited to, source identification and country of origin labeling, and hazard analysis and critical control points plan.

(o) Recreation.

(i) All in-water finfish aquaculture facilities shall ensure compliance with state and federal requirements, especially when location is proposed near underwater park facilities.

(ii) All in-water finfish aquaculture facilities shall be located a minimum of 1,000 feet from any recreational shellfish beach, public tidelands, public access facilities (e.g., docks or boat ramps) or other areas of extensive or established recreational use.

(iii) In-water finfish aquaculture operators shall inform the Notice to Mariners and other appropriate entities for nautical chart revisions and notify other sources that inform recreational uses (e.g., boaters, divers, shellfish harvesters).

(p) Noise.

- (i) All in-water finfish aquaculture facilities shall be designed, located and operated to:
 - (A) Ensure compliance with state and federal noise level limits;
 - (B) Require mufflers and enclosures on all motorized fish farm equipment;
 - (C) When appropriate, prefer electric motors over internal combustion engines.
- (ii) The county may require an acoustical study, conducted at the applicant's/operator's expense, to ensure any audible impacts are identified and adequately addressed.

(q) Odor. All in-water finfish aquaculture facilities shall be designed, located and operated to:

- (i) Ensure compliance with state limits regarding nuisances and waste disposal;
- (ii) Follow best management practices including, but not limited to:
 - (A) Daily removal and disposal of dead fish and other waste;
 - (B) Regular cleaning of nets and apparatus;
 - (C) Storage of food in closed containers;
 - (D) Walkway design and use allows spilled food to fall into the water.
- (iii) Maximize the distance between the facility and nearby residential use/development, downwind location preferred, to minimize impacts resulting from foul odors.

(r) Lighting and Glare.

- (i) Facilities shall comply with USCG requirements for operational and navigational lighting. The height of the light source above the water surface shall be the minimum necessary, not to exceed 80 inches, unless otherwise specified by state or federal requirements.
- (ii) Facilities shall be designed so that any glare or shadows caused by the solar orientation are minimized.
- (iii) Facilities shall utilize materials that minimize glare caused by sunlight or artificial lighting.

(s) Upland Shoreline Use. All in-water finfish aquaculture facilities shall be designed, located and operated to minimize incompatible uses and degradation of upland area.

(t) Local Services.

- (i) All in-water finfish aquaculture facilities shall be designed, located and operated to:
 - (A) Provide estimates of high, average, and low volumes of waste to be produced, including catastrophic events;
 - (B) Provide a waste management plan to include the method and frequency of collection, storage and disposal; and
 - (C) Ensure compliance with local, state, federal waste disposal requirements.
- (ii) Equipment, structures and materials shall not be discarded in the water and shall not be abandoned in the upland.

(6) Regulations – Application Requirements.

- (a) Prior to issuing a permit for any proposed aquaculture use or development, the county may require copies of permit applications and/or studies required by state and federal agencies to ensure provisions of this program are met, including, but not limited to, the following information:
 - (i) Anticipated harvest cycles and potential plans for future expansion or change in species grown or harvest practices.
 - (ii) Number, types and dimensions of structures, apparatus or equipment.
 - (iii) Predator control methods.
 - (iv) Anticipated levels of noise, light, and odor and plans for minimizing their impacts.
 - (v) Potential impacts to animals, plants, and water quality due to the discharge of waste water from any upland development.
 - (vi) Proof of application for an aquatic lands lease from the Washington State Department of Natural Resources (DNR) or proof of lease or ownership if bedlands are privately held.
 - (vii) Department of Health (DOH) Shellfish Certification Number.
 - (viii) Department of Fish and Wildlife (DFW) commercial aquatic farm or noncommercial, personal

consumption designation.

(ix) Proof of application for any permits required by the U.S. Army Corps of Engineers, Department of Health, or other agency.

(x) Proof of application for any state and federal permits/approvals including any required federal consultation under Section 7 of the Endangered Species Act ([16](#) U.S.C. [1531](#) et seq., ESA).

(b) Prior to approving a permit for floating/hanging or upland aquaculture use and development or bottom culture involving structures, the county may require a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities of the shoreline. The analysis shall demonstrate that adverse impacts on the character of those areas are effectively mitigated.
[Ord. 7-13 Exh. A (Art. VIII § 2)]