

COMPREHENSIVE PLAN

SECTION B, ELEMENT 3

**SHORELINE MASTER PROGRAM
(Goals and Policies)**

February 2002

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"Our islands have exceptional natural beauty and healthy diverse ecosystems surrounded by pollution-free marine waters. . . . As careful stewards of these islands, we conserve resources, preserve open space, and take appropriate action to assure healthy land and marine environments. . . . The unique character of our shorelines is protected by encouraging uses which maintain or enhance the quality of the shoreline environment."

ELEMENT 3

SHORELINE MASTER PROGRAM

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3.1 INTRODUCTION

3.1.A Purpose

This element provides goals and policies additional to those of other elements in this *Plan* and applies to all shorelines of the state which include freshwater lakes 20 acres or larger, the area 200 feet landward from the ordinary high water mark, and marine water areas. It is the intent of this program to manage the use and development of the shorelines of San Juan County, giving preference to water-dependent and water-related uses and to encourage shoreline development and use to occur in harmony with natural conditions. Uses that result in long-term over short-term benefits are preferred. Background information for this element can be found in Appendix 1 of the *Comprehensive Plan*.

This element is composed of five sections: overall goals and policies which are the foundation of the Master Program and set the priorities and tone of the whole element; the shoreline environments section which designates segments of the shoreline for specific uses; a section with general policies that apply to all shoreline uses and activities; a section with policies that apply to specific uses of the shoreline; and, the shoreline modification policies section which applies to structural and non-structural modification activities on the shoreline.

3.1.B Relationship of this Element to the Unified Development Code

The shoreline use regulations which implement the goals and policies of this element are contained in Chapter 5 of the Unified Development Code (UDC). Chapter 5 is essentially Part 2 of the County's Shoreline Master Program with this element of the *Comprehensive Plan* being Part 1. Except where otherwise stated, the Master Program applicability is coterminous with areas shown on the Official Shoreline Master Program Designated Environments Map. In the event of a conflict between the provisions of the Shoreline Master Program and any other elements of the *Comprehensive Plan* or chapters of the UDC, the Master Program controls.

3.2 OVERALL GOALS AND POLICIES

This section addresses seven general subjects required by the SMA: Shoreline Use; Economic Development; Public Access; Recreation; Circulation; Conservation; Historic and Cultural Resources; and Administration.

3.2.A Shoreline Use (Prior Code: 16.40.302)

Goal: To assure protection of the unique character of San Juan County with its many islands while providing for uses of the shorelines which do not needlessly diminish the quality of the shoreline environment by reserving shoreline areas for water-oriented uses and discouraging non-water-oriented uses other than single-family residential uses, and to assure the optimum opportunity for participation by County residents in the decision making processes that may affect that character.

Policies (3.2.A.1-8):

1. Foster uses which protect the potential long-term benefits to the public against compromise for reasons of short-term economic gain or convenience.
2. Allow only uses which would not adversely alter the shoreline, or conflict with or preempt water-dependent uses.

3. Accommodate preferred shoreline uses (water-dependent, water-related and water-enjoyment uses and single-family residential uses) while protecting and preserving shoreline resources and avoiding hazardous or sensitive areas.
4. Encourage studies of the physical and economic aspects of shoreline systems in order to provide a continuously updated information base against which the impact of any proposed shoreline use can be measured.
5. Restrict over-water development to those uses which are *water-dependent*.
6. Recognize the unique suitability of certain areas to accommodate preferred shoreline uses such as deep water ports and other boating facilities.
7. All shoreline uses should conform to the applicable policies of this Master Program and to the goals and policies of other elements in the *Comprehensive Plan*.
8. Ensure that the location, density, configuration, setback, and other aspects of all shoreline developments are appropriate to the site and vicinity and respond to the physical limitations of the site.

3.2.B Economic Development (*Prior Code: 16.40.303*)

Goal: To acknowledge the critical importance of a balanced and diversified local economy for the long range well-being of the island communities and to allow those economic activities that enhance the physical and social qualities of island life which result in the least possible adverse effects to the quality of the shoreline and surrounding environment.

Policies (3.2.B.1-7):

1. Locate commercial and industrial shoreline uses in already established commercial and industrial areas and prevent the random scattering of such uses and the premature location of such uses in undeveloped areas.
2. Restrict commercial and industrial development on the shorelines to developments and activities which are compatible with the natural systems of the county and its surrounding water resources.
3. Prohibit major development or construction along the shoreline, other than single-family residences, except where the sponsor thereof, public or private, can demonstrate overriding public necessity or public benefit. (*Prior Code 16.40.303 Policy 4*)
4. Ensure that development and use of public lands conforms to the same limitations and standards imposed on development and use of private lands.
5. Require anyone who seeks to establish a commercial or industrial activity within any shoreline area to bear the burden of demonstrating that the upland areas are not feasible for the proposed use and that the proposed use will be consistent with the Master Program. (*Prior Code 16.40.303 policy 3*)
6. Prohibit the installation of underwater cross-Sound oil pipelines and on-shore or over-water facilities for the refining of oil; these uses are inconsistent with the protection of the island ecosystems. (*Prior Code 16.40.303 policy 13*)

7. Provide for commercial and industrial uses within activity centers that are consistent with the underlying and adjacent land-use designations and with the policies of the Shoreline Management Act.

3.2.C Public Access (Prior code: 16.40.304)

Goal: To assure safe, convenient and diversified access for the public along public shorelines, and to assure that the intrusions created by public access will not endanger the quality of life or property of island residents, or have adverse effects on fragile natural features of the shorelines.

Policies (3.2.C.1-9):

1. Provide, protect and enhance opportunities for the public to enjoy the shoreline. This should be accomplished by consideration of the provision of public access by acquisition through purchase, donation, or other agreement, or by requiring the provision of public physical or visual access from uplands to the water. Public access should be considered in the review of all private and public developments (including land division) with the exception of the following:
 - a. One- and two-family dwelling units; or
 - b. Agricultural/forest/ranching activities; or
 - c. Where deemed inappropriate due to health, safety, and environmental concerns.Where public access is provided, the access should be designed and used in a manner consistent with the natural shoreline character, private property rights, and public safety.
2. Public agencies should acquire or otherwise assure appropriate public access to public shorelines.
3. Recognize the natural limitations and characteristics of each island and consider resident preferences in determining public access routes and areas on each island.
4. A public access plan for Eastsound, consistent with the *Eastsound Subarea Plan*, has been developed by the county in cooperation with waterfront property owners and adopted as part of this Master Program for the Village Commercial waterfront.
5. Provide overland public access only to those public tidelands which abut publicly owned uplands, or where the public tidelands are separated from the private uplands by some natural barrier. Water access to public tidelands should be protected. (Prior Code: 16.40.304, Policy 4)
6. Public access to public shorelines should be appropriately marked. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict. (Prior Code: 16.40.304, Policy 5)
7. Design public access to provide for public safety and require buffers between public access areas and adjacent private property to minimize potential negative impacts to private property and individual privacy.
8. Preserve, maintain, and enhance public access afforded by shoreline county road ends, public utilities and rights-of-way where feasible.
9. Develop guidelines for the preservation and/or enhancement of scenic views and vistas.

3.2.D Circulation (Prior Code: 16.40.305)

Goal: To develop safe and economical transportation systems to assure efficient movement of people, with minimum disruption of the shoreline environment and minimum conflict between different types of users.

Policies (3.2.D.1-4):

1. Locate land circulation systems which are not shoreline-dependent as far from the shoreline as feasible to reduce conflicts with natural shoreline resources or other appropriate shoreline uses.
2. Acquire and develop physical and visual public access along shoreline public roads, including turnouts and viewpoints, where topography, views and natural features warrant.
3. Encourage the development of transportation alternatives to the automobile along the shoreline including bicycle and pedestrian facilities.
4. Protect, manage and enhance those characteristics of shoreline public roads that are unique or have historic significance or aesthetic quality, for the benefit and enjoyment of the public.

3.2.E Recreation (Prior Code: 16.40.306)

Goal: To allow diverse, appropriate and adequate water-related recreational opportunities, which are compatible with the environmental carrying capacity of the shoreline areas involved.

Policies (3.2.E.1-4):

1. Recognize recreational use of the shoreline as only one of many potential uses. Such uses should be subject to the same constraints as other recognized shoreline uses.
2. Locate non-water-related recreational facilities outside of the shoreline area.
3. Prohibit recreational facilities and activities that are incompatible with shoreline areas.
4. State and local governments should acquire additional shoreline properties for public recreational uses.
5. Optimize opportunities for both passive and active water-oriented recreation.

3.2.F Conservation (Prior Code: 16.40.307)

Goal: To assure the preservation of scenic and non-renewable natural resources and to assure the conservation of renewable natural resources for the benefit of existing and future generations.

Policies (3.2.F.1-11):

1. Assure the preservation, reclamation, rehabilitation, and where possible, the enhancement of unusual, fragile and/or scenic elements, and of non-renewable natural resources.
2. Preserve critical marine and terrestrial wildlife habitats. These areas should include, but should not be limited to, breeding grounds, resting and feeding areas for migratory birds, nursery areas, and habitats of endangered species. Tidal marsh areas should be considered non-renewable resources and should be protected from development.

3. Natural, dynamic processes of shoreline formation and change should not be interfered with except for urgent reasons of public necessity or benefit.
4. Preservation of scenic views, open space and vistas should be encouraged.
5. Establish regulations to address critical habitats, erosion and runoff, and maintenance of visual quality, for sustainable commercial harvesting of trees within the shoreline jurisdiction.
6. Removal of flora and fauna from shorelines must be in compliance with RCW 28B.20.320–324, an act relating to the establishment of a marine biological preserve in San Juan County waters.
7. Fresh water along the shoreline should be considered a renewable resource of critical importance and its use should be controlled to prevent the intrusion or spread of salt water into vital aquifers and stream beds.
8. Encourage and accept appropriate conservation easements on the shoreline.
9. Recognize the importance of solar energy and renewable energy resources and support efforts to provide or facilitate solar orientation for building sites in new subdivisions and non-exempt developments.
10. Commercial timber harvesting within the shoreline area should be limited to selective harvest of no more than thirty percent of merchantable trees in any ten-year period and should not be allowed within seventy-five feet of the OHWM. Merchantable timber within this buffer area may be included in the thirty percent calculation for the shoreline area but no commercial harvest should be allowed within the buffer. Clearcutting on shorelines should be prohibited unless specifically allowed by an approved conversion option harvest plan or Class IV General forest practices permit.
11. Use of natural resources should minimize adverse impacts to natural systems and the quality of the shoreline environment.

3.2.G Historic and Archaeological Resources (Prior Code: 16.40.308)

Goal: To protect and/or restore areas on the shoreline which have significant archaeological, historical, educational, or scientific value.

Policies (3.2.G.1-3):

1. Protect areas of officially identified archaeological, historical, educational or scientific value from incompatible encroachment.
2. Protect areas of potentially significant archaeological, historical, educational, or scientific value uncovered during excavation until they can be examined by the appropriate authorities.
3. Acquire historic/archaeological resource sites, where feasible, through purchase or gift, in order to insure their protection and preservation.

3.2.H Administration (Prior Code: 16.40.309)

Goal: To establish administrative procedures which will assure the continuing compatibility of the Master Program with the physical, social, and economic realities of the county and to ensure the fair and impartial administration of the legal requirements of the Shoreline Management Act and this Master Program.

Policies (3.2.H.1-5):

1. Property tax assessment and other pertinent policies and regulations should, to the extent legally possible, fully reflect any impairment or enhancement of property values which results from the implementation of these goals and policies.
2. Conduct a comprehensive review of this Master Program at least once every five years.
3. Seek advice and assistance from recognized experts at federal, state, or local levels whenever technically complex issues are involved in substantial shoreline development applications.
4. Post notices of applications for shoreline permits in established locations on the island where the proposed development is to occur.
5. Allow for residents of an affected island to review any application for a shoreline permit prior to the county's taking action on the application.

3.3 SHORELINE ENVIRONMENTS (*Prior Code: 16.40.401*)

For an explanation on the creation of the shoreline categories, *see* Appendix 1 of this *Plan*.

3.3.A Urban Environment (*Prior Code: 16.40.402*)

Purpose:

The purpose of the Urban Environment is to ensure optimum use of shorelines within areas characterized by medium and high density residential, commercial, industrial, and institutional uses by permitting continued intensive activities and managing development so that it enhances and maintains shorelines for a multiplicity of urban types of uses. The Urban environment is particularly suitable for those areas already developed intensively with mixed uses. These areas may or may not be adjacent to an activity center.

Designation Criteria:

Shoreline areas to be designated "Urban" should meet one or more of the following criteria:

- a. areas characterized by intense land use, including recreational, residential, commercial, industrial, and institutional development, and port activities;
- b. areas designated for the expansion of urban uses in the Land Use Element;
- c. areas which do not fall under a. or b., *above*, but which do not present major biological or physical limitations for urban development and which can provide the necessary capital facilities, utilities, and access required to accommodate such development; or
- d. areas which are suitable for non-residential uses or that can be made compatible with residential areas.

Management Policies:

1. Direct new shoreline development to already developed areas as shorelines are a finite resource, and because urban uses tend to preclude other shoreline uses.

2. Commercial and industrial uses which are water-dependent should be given preference over those which are not.
3. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.
4. Where practical, public access points should be linked by non-motorized transportation routes, such as hiking and bicycle paths.
5. Redevelopment and renewal of substandard or obsolete urban shoreline areas should be encouraged in order to make maximum use of the available shoreline resource and to accommodate future water dependent uses.
6. Regulate the character and appearance of shoreline developments by means of site development standards.
7. Design of development in the Urban Environment should minimize adverse impacts on adjacent shoreline and upland areas.

3.3.B Rural Environment (Similar to Prior Code 16.40.403)

Purpose:

The Rural Environment is intended for residential development and other mixed use forms of development such as marinas, restaurants, resorts, and rural commercial and industrial activities. The Rural Environment should be used where roads, utilities, and public services can be or are provided to serve a mix of uses on the shoreline. The Rural Environment is an area capable of accommodating residential and mixed use development, but which is not suitable or desirable for a more restrictive rural designation.

Designation Criteria:

Shoreline areas to be designated Rural should meet one or more of the following criteria:

- a. areas presently containing medium density residential development mixed with non-residential uses;
- b. areas designated for rural residential or non-residential uses in the Land Use Element;
- c. areas which do not fall under criteria a. or b., *above*, but which do not present major biological or physical limitations for medium density residential development and which can provide the necessary capital facilities, utilities, and access required to accommodate such development;
- d. areas which are suitable for non-residential uses or that can be made compatible with residential areas; or
- e. areas which would make desirable transition zones between Urban and Rural Farm-Forest, or between Urban and Conservancy environments.

Management Policies:

1. Protect and enhance the mixed use character of Rural Environments by regulation of the type, location, scale, and timing of new shoreline development.

2. Restrict uses in Rural Environments to residential, recreational, and non-residential uses which are compatible with each other and with the shoreline.
3. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.
4. Where possible, public access points should be linked by non-motorized transportation routes, such as hiking and bicycle paths.
5. Setback controls, sign control, and site development standards should be applied to new developments to minimize impacts on the scenic quality of the shoreline.
6. Regulate development to protect the *shore process corridor* and its elements.

3.3.C Rural Residential Environment

Purpose:

The Rural Residential Environment is intended primarily for residential shoreline development only. This designation should be used where residential covenants and restrictions are in effect and where roads, utilities, and public services can be or are provided. The Rural Residential Environment is an area where extensive medium density residential development already exists, but which is not suitable or desirable for mixed use development.

Designation Criteria:

Shoreline areas to be designated Rural Residential should meet one or more of the following criteria:

- a. areas presently containing considerable medium density residential development with few, if any, non-residential uses;
- b. areas designated for the continuation of residential development on existing parcels of medium residential density in the Land Use Element; or
- c. areas which do not fall under criteria a. or b., *above*, but which do not present major biological or physical limitations for residential development and which can provide the necessary rural services (capital facilities, utilities, and access) required to accommodate such development.

Management Policies:

1. Protect and enhance the residential character by regulation of the type, location, scale, and timing of new shoreline development.
2. Restrict uses in to residential and recreational uses which are compatible with each other and with the shoreline.
3. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.
4. Where possible, public access points should be linked by non-motorized transportation routes, such as hiking and bicycle paths.

5. Setback controls, sign control, and site development standards should be applied to new developments to minimize impacts on the scenic quality of the shoreline.

3.3.D Rural Farm-Forest Environment (Similar to Prior Code 16.40.404)

Purpose:

The purpose of the Rural Farm-Forest Environment is to protect agricultural and timber lands and to maintain and enhance the rural low density character of the County's shoreline while providing protection from expansion of mixed use and urban types of land uses. Open spaces and opportunities for recreational and other uses compatible with agricultural and forestry activities should be maintained. Development related to the commercial fishing industry and aquaculture would be permitted. Other forms of development which are not contrary to the purpose of the Rural Farm-Forest Environment would be permitted only under certain circumstances.

Designation Criteria:

Areas to be designated Rural Farm-Forest should meet one or more of the following criteria:

- a. areas dominated by agricultural, forestry, or recreational uses;
- b. areas possessing a high capacity to support agricultural and forestry uses and compatible forms of development;
- c. areas modified from their natural vegetative cover and surface drainage patterns but generally possessing low density development;
- d. areas where residential development is or should be low density because of biological or physical limitations, utility capabilities, access problems, and/or potential incompatibility with other uses;
- e. areas of undeveloped land not appropriate for Natural or Conservancy Environment designations and not planned for significant mixed-use development;
- f. areas which form buffer zones between Urban, Rural, or Rural Residential areas and Natural or Conservancy areas; or
- g. areas possessing valuable sand, gravel, and mineral deposits.

Management Policies:

1. Maintain areas possessing a high capability to support small-scale agricultural or forestry uses.
2. Use the Rural Farm-Forest Environment as one means of preserving agricultural and forestry areas.
3. New developments in a Rural Farm-Forest Environment should reflect the character of the surrounding areas by limiting residential density, by providing permanent open space and by maintaining adequate building setbacks from the water to preserve shoreline resources.
4. Locate and design public and private recreational facilities so as to create minimal conflicts with agriculture and forestry.

5. Encourage agricultural and forestry practices which will prevent or minimize erosion, sedimentation, and the flow of waste material into the water courses.
6. Development which is not agricultural or forestry related but which is consistent with the purpose of the Rural Farm-Forest Environment should be permitted.
7. Design development in the Rural Farm-Forest Environment to protect the *shore process corridor* and its elements.
8. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.

3.3.E **Conservancy Environment** (*Prior Code 16.40.405*)

Purpose:

The purpose of the Conservancy designation is to protect, conserve, and manage existing natural resources and systems and/or valuable historic, educational, or scientific research areas without precluding compatible human uses. It is the most suitable designation for shoreline areas which possess a specific resource or value which can be protected without excluding or severely restricting all other uses, and for areas where primarily non-consumptive uses of the physical and biological resources are preferred. It should be applied to those areas which would most benefit the public if their existing character is maintained, but which are also able to tolerate limited or carefully planned development or resource use.

Designation Criteria:

Areas to be designated Conservancy should meet one or more of the following criteria:

- a. areas possessing valuable natural resources or features, the use of which precludes activities or uses except those which would not degrade the area to be conserved;
- b. areas possessing valuable natural resources which will tolerate only minimal disturbance of the existing terrestrial or marine/freshwater environments;
- c. areas containing resources which lend themselves to management on a sustained-yield basis;
- d. areas possessing scenic or recreational qualities of considerable local, regional, or statewide significance which would be adversely affected by extensive modification or use; or
- e. areas which are free of extensive development and can serve as needed open space if their present character is maintained.

Management Policies:

1. Prohibit activities and uses which would substantially degrade or permanently deplete the physical, biological, or aquatic resources of the area.
2. Allow only that new development which will be compatible with the natural and biological limitations of the land and water and which will not require extensive alteration of the land-water interface.
3. Development should be designed to protect the *shore process corridor* and its elements.

4. Prohibit activities or uses which would cause the substantial removal of vegetative cover, cause substantial erosion or sedimentation, or adversely affect aquatic life.
5. Allow residential development only at densities which will not endanger the resource which is the basis for the Conservancy designation and ensure that development design will preserve the natural character and Conservancy values of the shoreline.
6. Allow only those recreational activities and developments which are compatible with preservation of the shoreline character and with the forces which created and maintain the shoreline area.
7. Allow aquacultural and agricultural uses, and facilities supporting the commercial fishing industry, which are compatible with preservation of the shoreline and the resource which is the basis for the designation.
8. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate, in a manner consistent with the purpose of the Conservancy designation.

3.3.F Natural Environment (Prior Code 16.40 .406)

Purpose:

The purpose of the Natural Environment is to preserve rare or valuable natural resource systems by regulating uses which are likely to degrade or alter such resources. The primary determinant for designating an area as a Natural Environment is the presence of some rare natural resource considered valuable in its natural or original condition and which is relatively intolerant to human use.

Designation Criteria:

Areas to be designated Natural should meet one or more of the following criteria:

a. General:

- (1) areas where human influence and development are minimal;
- (2) areas which have been degraded but which are capable of easily being restored to a natural condition or are capable of natural regeneration if left undisturbed;
- (3) areas having a high scenic value in their natural states;
- (4) areas having a high value in their natural states for low intensity recreational use;
- (5) Class I accretion beaches;
- (6) salt marshes, bogs, and swamps;

b. Wildlife Habitats:

- (1) areas used by rare, diminished, or endangered species (as identified in the federal/state list of threatened and endangered species) from which they obtain food, water, cover, and/or protection;

- (2) areas providing a seasonal haven for concentrations of aquatic or terrestrial animals; *e.g.*, migration routes, breeding or spawning sites, *etc.*;
- (3) unusual and/or residual wildlife habitats remaining within developed areas;

c. Areas of Scientific Value:

- (1) areas regarded as representing the county's basic ecosystem or geologic types and valuable for scientific research and/or monitoring, including established research and/or collection areas, or areas identified by the Director of the University of Washington Friday Harbor Laboratories;
- (2) areas which deviate from the ecological or geological norms, but which are of particular scientific interest;
- (3) areas which best represent undisturbed natural conditions;
- (4) areas which contain rare and/or scientifically important features; or

d. Areas which Serve to Maintain Ecological Balances.

Management Policies:

1. Natural areas should be kept free of development which would adversely affect the character and value of the resource.
2. Permit only those alterations which would not be detrimental to the forces which created and now maintain a Natural area (*e.g.*, erosion-accretion systems forming spits and tombolos).
3. Permit limited access to Natural areas for scientific, historical, educational, and low intensity recreational purposes, provided that no significant adverse impact on the area will result.
4. Prohibit uses which diminish the physical and biological resources.
5. Ensure that uses and activities permitted in locations adjacent to natural areas are or can be made compatible with such areas and that the integrity of the Natural Environment will not be compromised.
6. Allow one single-family residence on existing parcels in Natural for property owner use. Prohibit land division.

3.3.G Aquatic Environment (Prior Code 16.40.407)

Purpose:

The purpose of the Aquatic Environment is to protect the quality and quantity of the water, to preserve the water surfaces and foreshores for shoreline dependent uses, such as navigation, commercial fishing, recreation, water-dependent industry, marinas and aquaculture, and to preserve the Aquatic area's natural features and resources. The Aquatic Environment consists of all water bodies under the jurisdiction of the SMA and within the boundaries of San Juan County. It includes the water surface together with the underlying lands and the water column, including but not limited to bays, straits, harbors, coves, estuaries, tidelands, and lakes.

Designation Criteria:

Areas to be designated Aquatic are as follows:

- a. all marine waters, including estuarine channels and wetlands, seaward of the line of ordinary high tide except where those waters between the ordinary high water mark and extreme low tide have been assigned a different environmental designation;
- b. all lakes subject to this Master Program, below the ordinary high water mark;
- c. all wetlands (as defined in WAC 173-22) associated with waters described in criteria a. and b., *above*.

Management Policies:

1. Developments should be compatible with the adjoining upland environment.
2. Maintain the natural circulation and volume of water to the greatest extent possible.
3. Prohibit structures which are not *water-dependent*.
4. Prohibit activities and uses of a permanent nature which will substantially degrade the existing character or habitat value of an area, unless the public interest clearly will be better served by approval of the proposed activity or use.
5. Locate and design developments and activities using navigable waters or their beds to minimize interference with surface navigation, to minimize water quality impacts, to minimize adverse visual impacts, and to allow for the safe, unhindered passage of fish and animals.
6. Protect fishing and recreational uses of the water, in appropriate areas, against competing uses that would substantially interfere with those activities.
7. The joint use of structures which intrude into Aquatic areas, such as docks, piers, jetties, breakwaters and bulkheads, *etc.*, should be encouraged if the development is determined to be appropriate for the site and if adverse cumulative impacts can be mitigated by joint use.
8. Prohibit motorized travel in land-based vehicle, provided that such travel should be permitted for official emergency vehicles, for boat launchings, for purposes of undertaking authorized construction and/or repair activities, and for aquaculture when specifically approved.

3.3.H Subarea Environments

The following subarea shoreline environments are in addition to the applicable subarea plans:

1. **Eastsound Environments** (*Prior Code: 16.40.408*)

Purpose:

The purpose of the Eastsound Shoreline Environments is to ensure use and development of Eastsound shorelines in a manner consistent with the goals, general policies, land use districts and regulations of the *Eastsound Subarea Plan* and with the specific character and resources of the shorelines within its boundaries.

Designation Criteria:

The following environment designations apply as described below:

- a. **Eastsound Urban:** that portion of the shoreline located on East Sound and within the Village Commercial District boundaries established in the *Eastsound Subarea Plan*.

Uses in the Eastsound Urban shoreline should be consistent with management policies for the Urban Environment. However, because few water-dependent or water-related uses are appropriate in this location, to be consistent with the policy of the Act the shoreline adjoining the commercial center of Eastsound should be used in ways which enhance opportunities for the public use and enjoyment of this shoreline.

- b. **Eastsound Marina District:** that portion of the shoreline located on Georgia Strait and the marina waterway located within the Marina District boundaries established in the *Eastsound Subarea Plan*.

(1) Uses in the Eastsound Marina District shoreline should be consistent with the management policies for the Urban Environment.

(2) Public physical and visual access to the shoreline should be planned for and provided wherever appropriate. Uses which are not water-dependent or water-related, except single-family residential, should include appropriate public access to the shoreline. Otherwise allowable uses shall not be required to grant public access as a condition of any permit approval.

- c. **Eastsound Conservancy District:** that portion of the shoreline located along Crescent Beach at Ship Bay and that portion of the shoreline located along the northwest corner of Fishing Bay, as these boundaries are established in, the *Eastsound Subarea Plan*.

(1) Uses in the Eastsound Conservancy District shoreline should be consistent with the management policies for the Conservancy Environment.

(2) Public physical and visual access to the shoreline should be planned for and provided wherever appropriate. Uses which are not water-dependent or water-related, except single-family residential uses, should include appropriate public access to the shoreline.

- d. **Eastsound Natural District:** that portion of the shoreline located at Madrona Point and within the Eastsound Natural District boundaries established in the *Eastsound Subarea Plan*.

Uses in the Eastsound Natural District shoreline should be consistent with the management policies for the Natural Environment.

- e. **Eastsound Residential:** that portion of the shoreline located on East Sound (Fishing and Fish Bays), North Beach, and Terrill Beach within the boundaries established in the *Eastsound Subarea Plan*, and not included within any of the above shoreline environments.

Uses in the Eastsound Residential shoreline should be consistent with the management policies for the adjoining upland land use districts.

2. **Shaw Environments** (*Prior Code: 16.40.409*)

Purpose:

The purpose of Shaw Shoreline Environments is to ensure use and development of the Shaw Island shorelines in a manner consistent with the goals, general policies, land use districts and regulations of the *Shaw Island Subarea Plan*.

Designation Criteria and Management Policies:

The following environment designation criteria and management policies apply as described below. *See* the Unified Development Code for regulations specific to Shaw environments.

- a. **Shaw Rural:** Same as Rural.
- b. **Shaw Rural Farm Forest:** Same as Rural Farm Forest.
- c. **Shaw Conservancy:** Same as Conservancy.
- d. **Shaw Natural:** Same as Natural.

Applicability:

Where the Master Program does not specify regulations for Shaw Shoreline Environments the regulations by environment for the underlying environment shall apply. That is, if there are not use regulations given, for example, for the Shaw Rural Environment, the Rural Farm-Forest Environment regulations shall apply.

3. **Waldron Subarea:**

While there are no shoreline environments specific to the Waldron Island subarea planning area, the *Waldron Island Limited Development District Subarea Plan* does include policies and regulations that apply to land use and development on the shorelines.

3.3.1 **Marine Habitat Management Area Environment**

Purpose:

The purpose of the Marine Habitat Management Area environment is to preserve and restore critical marine habitat areas and may be applied as an overlay to another shoreline environment designation. It is designed to be applied to specific water bodies only in concert with designation of the associated watershed as provided for in the Land Use Element of the *Comprehensive Plan*.

Designation Criteria:

Areas to be designated a Marine Habitat Management Area should meet at least three of the following criteria:

- a. areas currently designated Aquatic, Conservancy or Natural by this Master Program;
- b. areas supporting recreational and/or commercial shellfish growing;
- c. areas representing enclosed embayments or having limited tidal flushing and therefore more sensitive to sedimentation and nonpoint pollution sources than open waters;

- d. marine spawning and nursery areas; and
- e. areas particularly vulnerable to probable, cumulative adverse impacts of the forms of human use and development along and in the water that may otherwise occur in accordance with this Master Program.

Management Policies:

1. This environment designation should be applied only upon concurrent designation of a watershed as provided in the Land Use Element of the *Comprehensive Plan* and completion of a specific management plan for the watershed and marine habitat area.
2. Management plans should specify any use and development limitations or prohibitions established to accomplish the purpose of the environment designation for the specific area. While this designation may impose additional standards it should not be construed to preclude uses allowed in upland designations through the Land Use Element of the *Comprehensive Plan* and its implementing regulations. Uses allowable in upland portions of the watersheds shall be mitigated as necessary to protect critical marine resources.
3. Because each management plan will be specific to the characteristics and sensitivity of a particular location and to its associated watershed, plan development should include appropriate interdisciplinary study. Study participants should include, at a minimum, representatives from the County Planning, Health and Community Services and Public Works departments, a representative from the area affected, and a representative from the University of Washington Friday Harbor Laboratories.

3.3.J Marine Protected Area Environment

Purpose:

The purpose of the Marine Protected Area environment is to preserve and restore critical marine habitat areas and may be applied as an overlay to another shoreline environment designation. It is designed to be applied to specific aquatic, intertidal and/or terrestrial shoreline areas.

Designation Criteria:

Areas to be designated a Marine Protected Area should meet at least two of the following criteria:

- a. areas currently designated Aquatic, Conservancy or Natural by this Master Program;
- b. spawning and nursery areas for invertebrates, fish, marine mammals, and/or seabirds;
- c. areas that have been identified as capable of contributing significantly to the long-term health of the marine ecosystem if appropriately managed to sustain or restore living marine resources;
- d. areas particularly vulnerable to probable, cumulative adverse impacts of the forms of human use and development along and in the water that may otherwise occur in accordance with this Master Program; and
- e. areas supporting recreational and/or commercial shellfish growing where they clearly support ecosystem health.

Management Policies:

1. This environment designation requires the completion of a specific management protocol or plan for the marine protected area, but does not require a concurrent watershed management plan.
2. Management protocols or plans should specify any use and development limitations or prohibitions established to accomplish the purpose of the marine protected area and to the greatest extent possible should encourage voluntary compliance.

3.4 GENERAL SHORELINE POLICIES

The following policies apply to all shoreline uses and activities, in addition to other more specific use policies in Section 3.5.

3.4.A Archaeological and Historic Resources *(Prior Code: 16.40.504)*

Purpose:

Archaeological areas, including military encampments, old settlers' homes, ancient villages, middens, and trails were often located on shorelines. These sites should be protected for study, and preserved for future generations in accordance with the following policies.

Policies(3.4.A.1-2):

1. Consult with the state Office of Archaeology and Historic Preservation and professional archaeologists to identify areas containing potentially valuable archaeological data and to establish procedures for salvaging the data.
2. Where possible, preserve sites with a high value for scientific study and/or public observation.

3.4.B Clearing and Grading

Purpose:

Clearing and grading are activities associated with developing property for a particular use including commercial, industrial, institutional, recreational, and residential uses. Clearing and grading activities may increase erosion, siltation, runoff/flooding, change drainage patterns, reduce flood storage capacity and damage habitat. Clearing activity that impacts shoreline resources is regulated in order to advance the policies of the SMA.

Policies (3.4.B.1-2):

1. Limit clearing and grading to the minimum necessary to accommodate shoreline development and minimize adverse impacts to water quality and wildlife habitat by means which include but are not limited to site planning, bank stabilization and erosion, sedimentation and drainage control.
2. Design clearing and grading activities with the objective of maintaining density of ground coverage, and natural diversity in species, age, and vegetation.

3.4.C Environmental Impacts

Purpose:

The SMA is concerned with the potential environmental impacts of shoreline uses and modification activities. Shoreline and water quality degradation caused by the introduction of contaminants such as petroleum products, chemicals, solid waste, domestic or industrial wastewater and sediment from erosion are issues which must be addressed.

Policies (3.4.C.1-5):

1. Minimize the adverse environmental impacts of shoreline development.
2. Require that shoreline use and development minimize erosion, siltation, and interference with the natural shoreline geophysical processes.
3. Shoreline use which generates sewage or other waste should have waste disposal facilities of approved design and sufficient capacity to prevent any adverse environmental impacts, particularly on water quality.
4. Provide for the treatment of surface water runoff either on-site or through shared facilities, including the use of setbacks, buffers, or retention/detention ponds.
5. Conduct dredging and filling so as to minimize impacts to water quality consistent with applicable State law and only for the purposes allowed by this Master Program.

3.4.D Environmentally Sensitive Areas

Purpose:

Environmentally sensitive areas are those areas with especially fragile or hazardous biophysical characteristics and/or with significant environmental resources as identified by the County in the Environmentally Sensitive Area Overlay District (*see* Land Use Element Section 2.5.B) or by a scientifically documented inventory accomplished as part of the SEPA/NEPA process or other recognized assessment. Environmentally sensitive areas include: Geologically Hazardous Areas; Frequently Flooded Areas; Critical Aquifer Recharge Areas; Wetlands; and Fish and Wildlife Habitat.

Policies (3.4.D.1-4):

1. Preserve unique, rare and fragile shoreline resources, including, but not limited to, critical aquifer recharge areas, wetlands, streams, unstable slopes and tidal inlets and associated native plant communities.
2. Protect areas with unique and/or fragile geological or biological characteristics, from incompatible physical public access (*e.g.*, wetlands, dunes, unstable bluffs, shoregrass, *etc.*).
3. Discourage development on shorelines which are identified as hazardous for or sensitive to development or limit their development in a manner to avoid hazards to life and property or to minimize environmental damage.
4. Restoration of shorelines degraded by natural or manmade causes or for the purpose of habitat enhancement should use techniques to arrest the processes of erosion, sedimentation and flooding.

3.4.E Parking

Purpose:

The following policies apply only to parking that is accessory to an allowed shoreline use.

Policies (3.4.E.1-4):

1. Parking should directly serve allowable shoreline uses and its design and location should be sensitive to adjacent shorelines and properties.
2. Parking facilities should be located, designed, constructed and operated to minimize adverse impacts to water quality, aesthetics, public shoreline access, vegetation, and wildlife habitat, and to minimize stormwater runoff, noise and glare.
3. Where possible, parking areas should serve more than one use (*e.g.*, serving recreational use on weekends and commercial uses on weekdays).
4. Parking for single-family residential development should be located landward of the residential building setback line unless an alternative location is demonstrated to be appropriate based on the presence of natural screening and adequate protection for water quality and bank stability.

3.4.F Shorelines of Statewide Significance (*Prior Code: 16.40.601-603; ref. RCW 90.58.020*)

Purpose:

The legislature has designated all salt water surrounding the islands of San Juan County, seaward from the line of extreme low tide, as shorelines of statewide significance (RCW 90.58.030,2-e). The Final Guidelines of the Shoreline Management Act establish a number of policies which are to govern the use of shorelines of statewide significance (WAC 173-16-040[5]). The intent of this section is to incorporate these policies into the Shoreline Master Program to be consistent with state law. Uses which are consistent with the following policies, cited in the order of preference, should be given preference. Conversely, uses which are not generally consistent with these policies should not be permitted on such shorelines.

Policies (3.4.F.1-6):

1. Recognize and protect the statewide interest over the local interest on shorelines of statewide significance.
2. Preserve the natural character of shorelines of statewide significance.
3. Use shorelines of statewide significance in ways which will produce long term benefits as opposed to short term benefits or conveniences in accordance with the following:
 - a. Actions that would commit resources to irreversible uses or would detrimentally alter natural conditions characteristic of such shorelines should be severely limited.
 - b. The short term economic gain or convenience associated with a proposed development should be evaluated in relationship to long term and potentially costly impairments to the natural environment.
 - c. The visual impact of every proposed project should be thoroughly evaluated and adverse impacts should be minimized.

4. Protect the natural resources and systems of shorelines of statewide significance. Areas containing unusual or fragile natural resources or systems should be left undeveloped.
5. Increase public access to publicly owned areas of shorelines of statewide significance.
6. Increase recreational opportunities for the public on shorelines of statewide significance.

3.4.G Signs (Prior Code: 16.40.518)

Purpose:

Outdoor signs, billboards, and advertisements are publicly displayed messages designed to provide information, direction, or advertise. The character and scenic qualities of the county's shorelines should be protected from the adverse impacts of outdoor advertising. The following provisions apply to all signs except to those required by law. The provisions do not apply to publicly owned signs where the purpose is safety, geographic direction or information.

Policies (3.4.G.1-5):

1. Shorelines should be kept free of all unnecessary signs.
2. Establish size, density, and lighting limitations for all outdoor advertising signs.
3. Signs should serve an approved use and be constructed or painted on existing buildings containing the use whenever feasible in order to minimize visual obstruction of the shoreline and water bodies.
4. Off-premise commercial advertising signs should be prohibited on shorelines and shoreline roads.
5. Signs should be designed and placed so that they do not block, degrade, interfere with, or obstruct visual access to or from the water and are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

3.5 SHORELINE USE POLICIES

This section provides policies for specific uses to be addressed in local master programs in accordance with WAC 173-16-060. Shoreline uses not specifically identified in this Master Program and for which policies have not been developed will be evaluated on a case-by-case basis. Such uses will be required to satisfy the policies of the Shoreline Management Act, the goals and policies of this Master Program, and must be consistent with the character and management policies of the designated shoreline environment in which they are proposed to be located. A use not named or contemplated in this Master Program may be allowed subject to a conditional use shoreline permit and to the applicable provisions of the Master Program and WAC 173-27-160. (Prior Code: 16.40.501)

3.5.A Agriculture (Prior Code: 16.40.502)

Purpose:

Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and

fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in fragile shoreline areas. Proper land management techniques reduce the introduction of mineral and organic sediments and chemicals into water bodies.

Policies (3.5.A.1-3):

1. Encourage agricultural activities on shorelines consistent with the right to farm policy of the *Comprehensive Plan* and consistent with best management practices, including the maintenance of permanent vegetated buffers between tilled areas and water bodies to retard surface runoff and reduce siltation.
2. Encourage the use of erosion control measures consistent with or conforming to standards established by the Natural Resources Conservation Service, U.S. Department of Agriculture.
3. Restrict the location of confined animal feeding operations and manure stockpiles so that water areas will not be polluted.

3.5.B Aquaculture (Prior Code: 16.40.503)

Purpose:

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals, and includes the mechanical harvesting of shellfish and hatchery culture. The technology associated with some forms of aquaculture is still experimental. Therefore the policies for aquaculture reflect the necessity for some latitude.

When consistent with the control of pollution and prevention of damage to the environment aquaculture activities are considered a priority use along with single-family residences, ports, water-dependent industrial and commercial developments, and other uses that provide an opportunity for substantial numbers of people to enjoy the shorelines of the state (WAC 173-16-060(2)).

Policies (3.5.B.1-9):

1. In general, those forms of aquaculture that involve lesser environmental and visual impacts are preferred; for example, those that require no structures, submerged structures or intertidal structures rather than substantial floating structures, those that require few land-based facilities, and those that involve little or no substrate modification.
2. Consider the impacts aquacultural development might have on the physical and economic environments, on other existing and approved land and water uses, including navigation, and on the aesthetic qualities of the project area.
3. Aquaculture should not be allowed in the following areas:
 - a. Areas that have little natural potential for the type(s) of aquaculture under consideration.
 - b. Areas that have water quality problems that make the areas unsuitable for the type(s) of aquaculture under consideration.
 - c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include

but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities, and active scientific research.

- d. Areas where the design or placement of the facilities would substantially degrade the aesthetic qualities of the shoreline.
 - e. Areas where navigation by recreational boaters and commercial traffic will be significantly restricted.
 - f. Areas where an aquacultural proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.
 - g. Areas near National Wildlife Refuges or critical habitats (as defined by the State of Washington or San Juan County) where the proposed activity will adversely affect the refuge/habitat use or value.
4. In instances where a choice of aquacultural methods is available, or where two or more incompatible aquacultural projects are proposed in the same area, the relative environmental impacts of each method or proposal should be considered. In general, preference should be given to methods listed in subsection a, *below*, over those listed in subsection b:
 - a. Methods involving no structures, *i.e.*, submerged, intertidal, or floating, facilities and involving minimal substrate modification; methods involving submerged subtidal structures or facilities; methods involving intertidal structures or facilities.
 - b. Methods involving floating structures or facilities; methods involving floating structures with artificial feeding and/or substantial substrate modification.
 5. Limit the county-wide density of net-pen and raft culture operations as necessary to minimize cumulative environmental impacts.
 6. Experimental aquaculture projects should be limited in scale and should be approved for a limited period of time.
 7. Baseline and operational monitoring of specific, relevant environmental conditions should be required, as necessary, at the applicant's expense, as a condition of approval. Permits should include provisions for adjustment or termination of the project at any time if the monitoring indicates significant adverse, environmental impacts that cannot be eliminated or adequately mitigated.
 8. New shoreline proposals in the vicinity of a limited-term experimental aquacultural project should be restricted or denied if they might compromise the monitoring and data collection required under the experimental project permit. However, this should not prevent the construction on an existing legal parcel of an individual single-family residence which meets all applicable county codes.
 9. All permitted aquaculture projects should be protected from damage or destruction through mitigation of new development likely to impose such impacts on the aquaculture activity. However, this should not prevent the construction on an existing legal parcel of an individual single-family residence which meets all applicable county codes. (*Prior Code 16.40.503, Policy 10*)

3.5.C Boating Facilities

Purpose:

Boating facilities include marinas, boat launches, covered moorage, boat houses, docks and piers, recreational floats, mooring buoys, marine travel lifts and railways, and retrieval systems. The different forms of boating facilities provide needed access to the water for marine craft appropriate to different situations. They also can interfere with public use of public waters and tidelands and some can affect wave action, act as driftway barriers, disrupt aquatic and intertidal habitats, and affect water quality. Location and design considerations are important to minimize adverse impacts. These facilities may be used for a variety of commercial, industrial, recreational, and other purposes. Such facilities are subject to requirements for the type of use to be served as well as to the provisions of this section and to the provisions in Section 3.6, Shoreline Modification.

Policies (3.5.C.1-23):

General

1. Locate, design and construct boating facilities to minimize adverse effects upon, and to protect all forms of aquatic, littoral or terrestrial life including animals, fish, shellfish, birds and plants, their habitats and their migratory routes. *(Prior Code 16.40 513)*
2. Protect beneficial shoreline features and processes including erosion, littoral or riparian transport and accretion shoreforms, as well as scarce and valuable shore features including riparian habitat and wetlands.
3. The location, design, configuration and height of boathouses, piers, ramps, and docks should both accommodate the proposed use and minimize obstructions to views from the surrounding area.
4. Boating facilities should be designed to optimize the trade-offs between the number of boats served and the impacts on the natural and visual environments.
5. In providing boating facilities, the capacity of the shoreline site to absorb the impact should be considered.

Docks and Piers

6. The use of mooring buoys should be encouraged in preference to either piers or floating docks. *(Prior Code: 16.40.508, Policy 1)*
7. The use of floating docks should be encouraged in those areas where scenic values are high and where serious conflicts with recreational boaters and fishermen will not be created. *(Prior Code: 16.40.508, Policy 2)*
8. Piers should be encouraged where there is significant littoral drift and where scenic values will not be impaired. *(Prior Code: 16.40.508, Policy 3)*
9. In many cases, a combination of fixed and floating structures on the same dock may be desirable given tidal currents, habitat protection and topography, and should be considered. *(Prior Code: 16.40.508, Policy 4)*

10. The County should attempt to identify those shorelines where littoral drift is a significant factor and where, consequently, fixed piers probably would be preferable to floating docks. *(Prior Code: 16.40.508, Policy 5)*
11. To spare San Juan County from the so-called “porcupine effect” created by dozens of individual private docks and piers on the same shoreline, preference should be given to the joint use of a single structure by several waterfront property owners, as opposed to the construction of several individual structures. *(Prior Code: 16.40.508, Policy 6)*
12. Preference should be given in waterfront subdivisions or multi-family residential development to the joint use of a single moorage facility by the owners of the subdivision lots or units, or by the homeowners association for that subdivision or development, rather than construction of individual moorage facilities. Individual docks and piers should be prohibited, provided that the county may authorize more than one moorage facility if a single facility would be inappropriate or undesirable given the specific site and marine conditions. Such developments should include identification of a site for a joint-use moorage facility and the dedication of legal access to it for each lot or unit. However, it should be recognized that identification of a site for a common moorage facility does not imply suitability for moorage or that moorage development will be approved.
13. The capacity of the shoreline site to absorb the impacts of waste discharges from boats and gas and oil spills should be considered in evaluating every proposed dock or pier.
14. Expansion or repair of existing facilities should be encouraged over construction of new docks and piers.
15. To reduce the demand for single-user docks, multiple-user docks should be encouraged through construction and dimensional incentives.

Marinas

16. To reduce the cumulative environmental impact of individual docks on the shorelines of the county and to provide moorage opportunities for inland and shoreline residents, encourage marina development that includes allocations of at least half the available moorage space to permanent, rather than transient, moorage, subject to compliance with other applicable policies and regulations.
17. Areas which have been identified as hazardous due to storm tides, high winds or flooding, should not be considered as potential marina sites.
18. Embayments with poor flushing action should not be considered for marina sites.
19. Marina development should minimize the consumption of limited shoreline resources. To accomplish this the following is preferred:
 - a. The expansion of existing marinas over the addition of new marina sites;
 - b. The provision of a reasonable proportion of permanent moorage spaces to reduce the demand for, or proliferation of, individual docking facilities for numerous private, noncommercial pleasure craft; and
 - c. The use of boat launching ramps and dry storage of recreational boats as favorable alternatives to sheltered, year-around wet-moorage of watercraft.

20. Multiple use, and where practical public access, should be provided for in the design of every commercial marina. (*Prior Code: 16.40.513, Policy 3*)
21. Installation and maintenance of accessible boat sewage disposal (pump out) facilities are required in all marinas and should be available in convenient locations to all boaters.
22. Identify desirable marina locations based on environmental and population proximity considerations. (*Prior Code: 16.40.513, Policy 2*)
23. Covered moorages should not be permitted except where commercial construction or repair of boats is to be the primary activity. (*Prior Code: 16.40.513, Regulation 11*)

3.5.D Commercial Development (*Prior Code 16.40.507*)

Purpose:

Commercial *developments* are those involving wholesale and retail trade, services or other business activities complementing shoreline character and development. Examples include hotels, restaurants, shops, offices, commercial fishing facilities, and private or public indoor recreation facilities. The Act establishes preferences for certain types of commercial uses on shorelines and location and development standards are appropriate to protect shoreline resources where commercial development occurs. Uses and activities associated with commercial development which are identified as separate use activities in this program, such as Mineral Extraction, Industrial Development, Boating Facilities, Transportation Facilities, Utilities, *etc.*, are subject to use policies for those in addition to the standards for commercial development.

Policies (3.5.D.1-6):

1. Commercial development on the shorelines should consist of uses which are water- oriented and/or uses which will provide an opportunity for substantial numbers of people to enjoy the shorelines. Commercial development in shoreline areas should be encouraged in descending order of preference as follows:
 - a. *Water-dependent uses;*
 - b. *Water-related uses;*
 - c. *Water-enjoyment uses.*
2. Prohibit non-water-oriented commercial uses. A non-water-oriented use may become a water-enjoyment use by providing meaningful physical or visual public access to the shoreline. Physical access is preferred if practical.
3. Encourage new commercial developments to locate in those areas where commercial uses already exist.
4. The height and bulk of any proposed commercial structures should be designed, to the extent practical, to accommodate the proposed use and to minimize the obstruction of views from the surrounding area, and consideration should be given to compatibility with the scale and use intensity of surrounding developments.
5. Place parking facilities inland, away from the water's edge and recreational beaches, and where necessary, screen parking facilities to minimize their visual impact on shorelines, and include measures to control surface runoff and prevent pollution of nearby water bodies.

6. In applying conditions to a shoreline permit in order to ensure consistency with this Master Program, recognize that different approaches can accomplish the same purpose and the most expensive is not necessarily the only effective means to obtain compliance.

3.5.E Forest Management (Prior Code: 16.40.510)

Purpose:

Forest management practices are those methods used for protection, production, and harvesting of timber. *Best management practices* will reduce the suspended sediment load and the turbidity of the water. All forest practices within shoreline jurisdiction must comply with the policies and regulations of the SMP.

Policies (3.5.F.1-5):

1. Conduct all forest management practices in shoreline areas in a manner which will minimize adverse impacts on the land and water environments, wildlife, aquatic life, and their respective habitats, and which respects the natural character of the shoreline.
2. Conduct timber harvesting practices, including the construction of roads and trails and the disposal of debris so that erosion will be prevented or held to a minimum and so that the scenic qualities of the shoreline are not degraded.
3. Regulate commercial harvesting of any shoreline timber to ensure adequate protection against erosion, sedimentation, and siltation. The aesthetic impact of commercial harvesting should be mitigated.
4. Conduct thinning and harvesting operations in a manner which will prevent the accumulation of slash and other debris in waterways or shorelines of the county.
5. Locate, design, construct, and maintain all roads, bridges, and other structures associated with forest practices to prevent adverse impacts on shoreline resources.

3.5.F Industrial Development

Purpose:

Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods. Location, development and operational standards are appropriate to minimize impacts of industrial activities on shoreline resources, including water quality.

Uses and activities associated with industrial development which are identified as separate use activities in this program, such as Mineral Extraction, Ports and Related Facilities, Boating Facilities, Transportation Facilities, Utilities, *etc.*, are subject to use policies for those in addition to these policies for industrial development.

Policies (3.5.F.1-7):

1. Industrial development on the shorelines should consist of uses which are water-dependent or water-related only; that are compatible with adjacent uses and adopted environmental standards; and should be located only in areas best suited for industrial development such as harbors with dry and level upland access to adequate road and utility systems.

2. Non-water-dependent industries should not be permitted to occupy waterfront sites. (*Prior Code: 16.40.515, Policy 4*)
3. Encourage the expansion or redevelopment of existing legally established industrial areas, facilities and services. Mixed-use developments are preferred over the addition and/or location of new or single-purpose industrial facilities.
4. Require joint use of industrial piers, cargo handling, storage, parking and other accessory facilities among private or public entities in waterfront industrial areas if such development is determined to be appropriate for the site and if adverse cumulative impacts can be mitigated by their joint use.
5. Prohibit the location of industrial development on sensitive and ecologically valuable shorelines such as natural accretion shoreforms, wetlands or wildlife habitat areas, and on shores inherently hazardous for such development, such as flood and geologically hazardous areas, including steep or unstable slopes in accordance with the Environmentally Sensitive Areas Overlay District.
6. Preference should be given to locating new industrial development on those parts of the shoreline where industrial development already occurs.
7. Encourage industrial uses with low demands on energy and resources.

3.5.G Institutional Development

Purpose:

Institutions are establishments or foundations of public character which may be publicly or privately operated and are typically instructional or vocational in nature. Examples of institutions include schools, colleges, places of religious assembly, training facilities, and research and scientific facilities such as marine laboratories. Location, development and operational standards are appropriate to minimize impacts of institutional uses on shoreline resources, including water quality.

Policies (3.5.G.1-7):

1. Institutional development on the shorelines should consist of uses which are water- oriented and/or uses which will provide an opportunity for substantial numbers of people to enjoy the shorelines. Institutional uses in shoreline areas should be encouraged in descending order of preference as follows:
 - a. Water-dependent uses;
 - b. Water-related uses;
 - c. Water-enjoyment uses.
2. Prohibit non-water-oriented institutional uses. A non-water-oriented use may become a water-enjoyment use by providing meaningful physical or visual public access to the shoreline. Physical access is preferred if practical.
3. Preference should be given to locating new institutional development on those parts of the shoreline where institutional development already occurs.

4. The height and bulk of any proposed institutional structures should be designed, to the extent practical, to accommodate the proposed use and to minimize the obstruction of views from the surrounding area, and consideration should be given to compatibility with the scale and use intensity of surrounding developments.
5. Prohibit the location of institutional development on sensitive and ecologically valuable shorelines such as natural accretion shoreforms, wetlands, and wildlife habitat areas, and on shores inherently hazardous for such development such as flood and geologically hazardous areas, and steep or unstable slopes in accordance with the Environmentally Sensitive Areas Overlay District.
6. Design institutional facilities to minimize adverse impacts on other shoreline uses and on shoreline resources.
7. Parking facilities should be placed inland, away from the water's edge and recreational beaches, and where necessary should be screened to minimize their visual impact on shorelines, and should include measures to control surface runoff and prevent pollution of nearby water bodies.

3.5.H Landfills and Solid Waste Disposal (*Prior Code: 16.40.512*)

Purpose:

Landfill is the placement of soil, rock, gravel, existing sediment, or other material (excluding solid waste) to create new land, tideland, or bottom land, along the shoreline below the ordinary high water mark or on upland areas or wetlands, in order to raise the elevation.

Solid waste is a potential source of pollution. Rapid, safe, and nuisance-free storage, collection, transportation, and disposal of solid waste are of great concern to all communities. If the disposal of solid waste material is not carefully planned and regulated, it can become not only a nuisance but a very real threat to the health and safety of human beings, livestock, wildlife, and other life forms. Because landfill and solid waste disposal are so closely related and because solid waste is frequently used as a landfill material, the two are treated simultaneously in this section.

Policies (3.5.H.1-3):

1. Prohibit landfills in shoreline areas unless no feasible alternative exists. If permitted, landfills should be tightly controlled.
2. Give priority to landfills for water dependent uses and for public uses. In evaluating fill proposals and in designating areas appropriate for fill, factors to be considered should include the total water surface reduction; impacts on water flow, circulation, and quality; impacts on natural resources and systems; potential destruction of habitats; potential erosion problems; and potential restrictions on navigation.
3. Prohibit solid waste disposal activities and facilities in shoreline areas.

3.5.I Mineral Extraction (*Prior Code: 16.40.514*)

Purpose:

Mineral extraction is the removal of naturally occurring materials from the earth for economic use. The Puget Sound region is particularly rich in nonmetallic minerals including sand, gravel, clay, coal, and various types of stone. The dollar value of these extracted minerals is comparatively high but the processes of extraction frequently results in erosion and siltation,

water quality problems, degradation of fish habitats, and the destruction of shellfish and other bottom-living marine animals. Also, the removal of sand from the marine beaches can deplete a resource which may not be restored through natural processes.

Policies (3.5.I.1-5):

1. Consider development of mineral extraction operations in non-shoreline areas before considering their location in shoreline areas.
2. Prohibit mineral extraction operations which would adversely affect agricultural activities or remove agricultural lands from production when feasible alternatives exist, or unless the use would occur within a mineral resource land overlay district.
3. Conduct mineral extraction operations in a manner which will minimize the adverse effects on water quality, fish and wildlife, adjacent activities, and scenic qualities of the shorelines.
4. Require a detailed plan for reclamation of mineral extraction sites.
5. Regulate the removal of sand, gravel and minerals from all shoreline areas to ensure adequate protection against erosion, sedimentation, siltation and other physical impacts. The aesthetic impact of the activity should also be considered.

3.5.J Pedestrian Beach Access Structures (Prior Code: 16.40.522)

Purpose:

A “beach access structure” is a set of steps or stairs or a ramp used to provide pedestrian access to the beach. Location, design and construction standards are appropriate to minimize impacts on shoreline resources.

Policies (3.5.J.1-8):

1. Beach access structures are allowed only as accessories to an existing single-family residence, as access to a common shoreline area in a subdivision or multi-family residential development, or for a public or private recreational facility.
2. Beach access structures which are normal appurtenances to a single-family residence as defined in the Shoreline Management Act and the Unified Development Code are exempt from shoreline permit requirements.
3. The use of existing paths or trails should be encouraged in preference to either beach access stairs or ramps.
4. Beach access stairs or ramps should be encouraged to be connected to existing docks, as opposed to separate structures for beach access and vessel moorage.
5. Beach access stairs or ramps on shorelines that are known or demonstrated to be eroding bluffs, unstable bluffs, eroding beaches, or exposed cliffs will require design and engineering which will assure that no significant visual or environmental impacts will be created.
6. All beach access structures should be located and designed to blend in with the natural surroundings to the extent feasible to reduce visual impacts. Existing vegetation and terrain features should be used whenever possible for screening.

7. In order to minimize the visual and environmental impacts of additional development along the shoreline, it is appropriate to establish size, dimensional, and design limitations for all beach access structures. It is also appropriate to use size, dimensional, and design standards as benchmarks for determining when a pedestrian beach access structure would qualify as "exempt" development.
8. Beach access structures should not extend below the ordinary high water mark (OHWM) and should not impede public access to public tidelands.

3.5.K Ports and Water-Related Port Facilities (Prior Code: 16.40.515)

Purpose:

Because of San Juan County's comparative isolation and lack of heavy industry, water ports have not posed the kinds of problems commonly found in mainland, urban areas. However, as the county continues to grow, as technologies change and as the variety of business ventures which can feasibly be undertaken in the county expands, the potential undesirable forms of port development will also grow. As centers for waterborne traffic, ports tend to attract various types of commercial and industrial enterprises, but many of them do not require a waterfront location and serve only to congest the shoreline unnecessarily.

Policies (3.5.K.1-6):

1. Encourage the master planning of port areas to streamline the permitting process and reduce the potential impacts on surrounding land uses. Prohibit piecemeal, uncoordinated development of port areas.
2. Design port docks and facilities to minimize their potential adverse impacts on other shoreline dependent uses and on shoreline resources.
3. Base land use decisions for port development on the county *Comprehensive Plan*, including this Shoreline Element.
4. Encourage cooperative multiple use of docking, cargo handling, storage, and parking facilities in port areas.
5. Plan and design port facilities to include public facilities and to increase public access to the shoreline to the greatest degree feasible.
6. Encourage development which will enhance the commercial fishing industry in the county.

3.5.L Recreational Development (Prior Code: 16.40.516)

Purpose:

Recreation is the refreshment of mind and body through forms of play, amusement, or relaxation. Water related recreation accounts for a very high proportion of all recreational activity in the County and in the Pacific Northwest. Activities include active experiences, such as boating, fishing, and kayaking, as well as passive experiences such as enjoying the natural beauty of a saltwater shoreline or a freshwater lake. Recreational uses often involve site developments along the water's edge and invite significant numbers of people to enjoy shorelines. The impacts of these uses are appropriately addressed by location, development and operational standards.

Policies (3.5.L.1-11):

1. Preference should be given to developments which provide for recreational activities and improvements facilitating public access to the shoreline.
2. Avoid the concentration of use pressures at a few points in providing access to recreational areas, wherever possible, by combining areas and linear access systems, such as parking areas and pathway easements.
3. Consider the impact a proposed recreational site would have on the natural resources and environmental quality of the area.
4. Protect the county's limited supply of shoreline areas suitable for recreational use from inappropriate uses, such as parking areas. Permit roadside view areas in suitable locations.
5. Control the use of motorized vehicles on shorelines.
6. Permit intensive recreational developments only where the public health can be protected without undesirable alteration of the site.
7. Control drainage and surface runoff from recreational areas.
8. Require privately and publicly owned recreational facilities to provide adequate water supply, fire protection, waste control, and to otherwise meet public health, safety, and general welfare standards.
9. Encourage the development of privately owned commercial recreational uses to provide well rounded recreational opportunities in order to relieve some of the pressures on publicly owned recreation facilities.
10. Review any proposed recreational activity or development, public or private for consistency with the County *Comprehensive Plan*, including this Shoreline Element.
11. Reserve a portion of the shoreline within all subdivisions for recreational use by the subdivision residents, where the physical conditions are suitable.

3.5.M Residential Development (*Prior Code: 16.40.517*)

Purpose:

All residential development on the shoreline is subject to the Shoreline Management Act and the local Master Program. The policies in this section apply to use and development of structures for residential occupancy and to division of land for the purpose of residential development, including subdivisions (and short subdivisions) that are not specifically designed and approved for nonresidential purposes. Single-family residences are a preferred shoreline use but these as well as more intensive forms of residential development should be designed and located to conserve natural shoreline features and minimize physical impacts. Certain single-family residences and named normal appurtenances to them are exempt from shoreline permit requirements but are still subject to compliance with the policies and regulations of the Shoreline Master Program.

Policies (3.5.M.1-13):

1. Except as expressly provided in Policy 9 below, residential development is not a water-dependent use and should be prohibited over water or within wetlands associated with shorelines.
2. All residential and accessory structures should be located in a manner to blend into their surroundings. This should be accomplished by:
 - a. Optimizing use of natural screening provided by the topography and by existing natural vegetation between structures and the shoreline; and/or
 - b. Enhancing limited natural screening through a combination of setbacks, landscaping, minimizing apparent building height and mass, and use of exterior materials which blend with the existing natural vegetation and topographic features of the site.
3. Residential development should not be permitted if it would require bulkheading or other shoreline fortification, at the time of construction or in the foreseeable future, in order to protect the development. Residential development should not be allowed on eroding, slumping or geologically unstable shorelines unless it can be set back from such shorelines so that hazardous conditions will not be created, erosion or slope instability will not be aggravated, and natural shoreline processes will not be impeded.
4. All residential developments, including subdivisions, should include building setbacks from the shoreline to preserve the natural character of the shoreline. All residential development should be set back from the top of the bank to protect bank stability and natural vegetation at the bank edge. On low-bank or no-bank shorelines, development should be set well behind the line of extreme high water to protect water quality and the stability of the berm and beach.
5. Design land divisions and multi-family and multiple-unit developments for a density compatible with the physical capabilities and scenic characteristics of the shoreline and water body. In all new shoreline developments, natural site features which provide recreation, exceptional wildlife habitat or scenic enjoyment should be preserved. Open space between structures and the water should be provided to protect natural features and preserve views within the development.
6. All waterfront subdivisions should include provision for common shoreline area. If tidelands are privately owned they should be included in the common area. Legal access to common areas should be provided to all lot owners.
7. Recognize the importance of solar energy and renewable resources and support efforts to provide or facilitate solar orientation for building sites in new subdivisions and non-exempt developments.
8. Water systems supplying groundwater to support new residential shoreline development should be adequate to protect against intrusion of saltwater into groundwater. Where feasible, use of surface water supplies should be considered.
9. Allow *houseboats* only within marinas in activity centers and only within areas of such marinas specifically approved for houseboat moorage. Such approval should specify not more than ten percent of overall moorage space and limit individual houseboat moorages to identified areas within the marina. Such approval should also identify houseboat unit height and square footage limitations appropriate to the site in order to minimize adverse impacts on the scenic quality of the shoreline. Houseboat moorage proposals should demonstrate that such moorages will be connected to an approved sanitary sewer or other approved upland waste disposal system, greywater will also be discharged to the waste disposal system, adequate capacity exists from

approved potable water supply and waste disposal systems, and that materials used in the construction and maintenance of houseboats moored at the marina will not result in contaminants or debris entering the water. Houseboat moorages should be located in areas with at least six feet of water depth between the floats and low water to preserve shallow habitat and prevent grounding at extreme tides. Individual houseboat moorages should be prohibited.

10. Consider opportunities for visual public access to the shoreline in review of multi-family residential developments.
11. Preference should be given in waterfront subdivisions or multiple-unit or multi-family residential developments to the joint use of a single moorage facility by the owners of the subdivision lots or units, or by the homeowners association for that subdivision or development, rather than construction of individual moorage facilities.
12. Waterfront subdivisions should be designed to minimize probable significant adverse impacts, to preserve natural features, to minimize physical impacts, and to reduce utility and road costs.
13. Maximum residential densities specified for each shoreline environment should not be construed to be minimum lot sizes. Lot sizes may vary as long as the number of residential units within the shoreline area of a parcel to be divided, or developed with multi-family units, does not exceed the maximum allowable density.

3.5.N Transportation Facilities (Prior Code: 16.40.519)

Purpose:

Transportation facilities include roads, trails, airports, barge landing and log transfer sites, county docks, county boat ramps, float plane facilities, ferries and related terminals, commercially operated transportation facilities, and parking areas. Generally such facilities account for a very small percentage of total shoreline uses, but their impact is substantial. New transportation facilities within the shoreline must be planned for with considerable thought being given to their relationship to other shoreline uses and their various primary and secondary impacts. These facilities must also meet the requirements of the Transportation Element of the this *Plan*.

Policies (3.5.N.1-17):

1. Prohibit the location of transportation facilities in shoreline areas if they could feasibly and practically be located elsewhere.
2. Design and construct transportation facilities in shoreline areas to minimize their impacts on shoreline resources and natural systems.
3. Improve, retain and keep open, whenever possible, old roads, rights-of-way, and other facilities in public ownership which afford scenic views or access to the water.
4. Install transportation and utilities facilities in the same rights-of-way when the effect will be to reduce the adverse impacts on the shorelines.
5. Confine inter-island transportation to air and waterborne craft.
6. Prohibit deep water ports for the handling or processing of oil and underwater cross-Sound oil pipelines. Such uses are incompatible with the environment and the ecosystems that make these islands unique. (*Prior Code: (ref.) 16.40.515, General Regulation 15*)

7. Consider the ecological impact in building, improving, or maintaining roads. In addition, roads should:
 - a. be maintained at widths consistent with safety standards for limited speeds;
 - b. follow the natural terrain as much as possible and still maintain reasonable levels of safety; and
 - c. include safe turnouts and viewpoint areas as appropriate.
8. Re-landscape or replant land with native species if it has been scarred or it is necessary to remove natural cover due to road construction or improvements.
9. Wherever practical, all new roads proposed near the shoreline should be set back at least 200 feet from the ordinary high water line.
10. Protect access to private driveways and business locations through the establishment of “No Stopping or Standing” zones in ferry lines and other methods.
11. Encourage non-vehicular traffic on ferries to moderate the impact of vehicular traffic on the shoreline environment.
12. Locate airports and air transportation facilities to maximize public access to publicly owned shorelines and to minimize adverse impacts on shoreline and upland areas.
13. On non-ferry-served islands, where there is no alternative for the movement of freight, a single designated barge landing site is preferred over the development of multiple barge landing sites.
14. Identify a minimum of one log dump and a minimum of one barge landing site, where needed, on each non-ferry served island to address special freight mobility needs.
15. Locate and conduct the use of log transfer and barge landing sites and associated operations so as to minimize impacts on existing water quality, fish habitats and the shoreline environment in general.
16. The use of an unimproved shoreline area or development to create a usable log transfer or barge landing site are subject to a conditional use permits.
17. To the extent practicable, log transfer and barge landing sites should be located where a single location can serve multiple users. Land access to such sites should be provided for community use in order to prevent unnecessary damage to shoreline resources caused by shoreline modifications required for the creation of multiple sites.

3.5.O Utilities and Capital Facilities (Prior Code: 16.40.520)

Purpose:

Utilities are services and facilities that produce, transmit, carry, store, process or dispose of electric power, communications, oil, and gas. Utilities include small-scale distribution systems directly serving a permitted shoreline use such as power, telephone, water (including desalination and reverse osmosis facilities), sewer (including drain fields and septic tanks) and stormwater lines. Capital facilities are services and facilities for community water systems, and community sewage treatment facilities. The installation of utilities and capital facilities apparatus

necessarily disturbs the environment but the adverse physical and visual impacts can be reduced by thoughtful planning and adherence to design criteria.

The provisions in this section apply to uses and activities such as high-tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities, desalination or reverse osmosis systems, water and sewage treatment plants and outfalls. These facilities are addressed in this section because they concern all types of development and have the potential to affect the quality of the shoreline and its waters.

Policies (3.5.O.1-13):

1. Ensure that utilities and capital facilities necessary to serve shoreline uses are properly installed so as to protect the shoreline and water from contamination and degradation.
2. Locate utilities, capital facilities, and associated rights-of-way outside of the shoreline area to the maximum extent possible, or locate them within existing transportation and utility sites, rights-of-way and corridors. Joint use of rights-of-way and corridors should be encouraged. When utility lines, connections and piping require a shoreline area location they should be placed underground or located so as to protect scenic views, whenever practicable.
3. Prohibit utilities and capital facilities in marshes, bogs and swamps, estuaries, critical wildlife areas or other unique and fragile areas unless no feasible alternative exists.
4. Locate utilities and capital facilities so as not to require extensive shoreline protection works. Utilities, capital facilities, and associated rights-of-way should be designed and located in a manner which preserves the natural landscape and shoreline ecology and minimizes conflicts with present and planned land and water uses.
5. Utilities and capital facilities, including desalination and reverse osmosis systems, should not impede public access to public tidelands or materially interfere with normal public use of public waters.
6. Restore shorelines to pre-project configurations and replant with natural species upon completion of utility and capital facility projects.
7. Locate desalination lines within or alongside existing paths and trails and/or connect them to existing docks and beach access structures wherever feasible.
8. Desalination or reverse osmosis systems which are normal appurtenances to a single-family residence should be exempt from shoreline permit requirements. Such systems are limited to those that do not involve intakes or outflows seaward of the OHWM.
9. Desalination and reverse osmosis systems should not be allowed as the primary water supply to serve new subdivisions and short subdivisions.
10. On shorelines that are known or demonstrated to be eroding bluffs, unstable bluffs, eroding beaches, or exposed cliffs, require professional engineering to assure that no significant visual or environmental impacts will be created.
11. Encourage the connection of desalination and reverse osmosis intake and discharge lines to existing docks, stairways or other features as opposed to new and separate structures for these facilities.

12. Locate and design all desalination and reverse osmosis production equipment and necessary pumping equipment, utility connections, and pipelines to blend in with the natural surroundings to the extent feasible to reduce visual impacts. Existing vegetation and terrain features should be used whenever possible for screening.
13. The use of new wells or existing wells with salt water intrusion or contamination as the intake source, and/or the use of land disposal of discharge for desalination or reverse-osmosis systems, should be allowed only with the approval of the County Sanitarian.

3.6 SHORELINE MODIFICATION POLICIES

The following policies apply to all shoreline activities that modify the physical configuration or qualities of the shoreline area. Typically, activities are related to construction of a physical element such as a breakwater, dredged basin, or dike. Shoreline modification activities are usually undertaken in support of a shoreline use.

3.6.A Breakwaters, Jetties, and Groins (Prior Code: 16.40.505 and 16.40.511)

Purpose:

Breakwaters are protective structures which are normally built offshore to reduce or eliminate wave action and thus protect the shore immediately behind them. Breakwaters can be of either rigid or floating construction. Rigid breakwaters which are usually constructed of riprap or rock have both beneficial and detrimental effects on the shoreline. Rigid structures obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters generally do not have the same negative effect on sand movement, but, with present construction techniques, cannot withstand extreme wave action and thus are of a limited usefulness in some locations.

Jetties and *groins* are structures designed to modify or control sand movement. Jetties are generally employed at inlets for the purpose of improving navigation. When sand being transported along the shoreline by waves and currents arrives at an inlet it flows inward on the flood tide to form an inner bar and outward on the ebb tide to form an outer bar. Both formations are detrimental to navigation through the inlet. In the process of protecting an inlet, a jetty impounds the sand which would otherwise supply the downdrift shores. This results not only in the starvation of the downdrift beaches but also in erosion of those beaches. Groins are barrier type structures extending from the backshore seaward across the beach which interrupt sand movement along the shore. The trapping of sand by a groin is done at the expense of the adjacent downdrift shore, unless the groin system is filled with sand to its entrapment capacity.

Policies (3.6.A.1-7):

1. Construct breakwaters only where shoreline dependent uses are located seaward of the existing shoreline or where protection from strong wave action is essential.
2. Preference should be given to proposals for floating breakwaters, as opposed to the rigid types, because of their lesser impacts on the circulation of water, sand movement and aquatic life.
3. Permit rigid breakwaters only where design modifications can eliminate the significant detrimental effects on water circulation, sand movement, and aquatic life.
4. Minimize the restrictions on the public use of the water surface resulting from the construction of breakwaters to the extent possible.

5. Encourage the multiple use of breakwaters in order to increase public access to and enjoyment of the shorelines.
6. Give careful consideration to the effect of proposed jetties and groins on sand movement and on the scenic qualities of the shoreline.
7. Minimize any negative effects that jetties, groins and breakwaters may have on fish and wildlife propagation and movement and on navigation.

3.6.B Bulkheads (Prior Code: 16.40.506)

Purpose:

Bulkheads, or seawalls, are structures erected parallel to and near the ordinary high water mark for the purpose of protecting the adjacent uplands from the action of waves or currents. Bulkheads do not provide permanent protection on salt water shorelines because, as the waves continue to erode the foreshore, the bulkhead is undermined and/or subject to larger, more powerful waves and eventually a more substantial barrier is required. Each time a bulkhead is replaced or strengthened the process begins anew. However, while bulkheads may provide temporary protection to the adjacent uplands they do not protect the adjacent beaches and, in many cases, actually contribute to their destruction by accelerating natural erosion. To be effective, bulkheads must be located, designed and constructed with an understanding of how they affect and are affected by wave action.

Policies (3.6.B.1-5):

1. Locate, design, and construct bulkheads in a manner which will not result in adverse effects on nearby beaches or the shore process corridor and its operating systems, and which will minimize alterations of the natural shoreline.
2. Locate, design, and construct bulkheads in a manner which will minimize damage to fish and shellfish habitats.
3. Design and locate bulkheads so as to minimize their impact on the scenic quality of the shorelines.
4. Consider the impact of a proposed bulkhead on public access to publicly owned shorelines.
5. The Shoreline Management Act provides a specific exemption from substantial development permit requirements for bulkheads associated with existing single-family houses and their accessories (RCW 90.58.030(3)(e)(ii). However, exempt bulkheads must be consistent with state regulations (173-27-042(2)(c) WAC) and the policies and regulations of the Shoreline Master Program.

3.6.C Dredging (Prior Code: 16.40.509)

Purpose:

Dredging is the removal of earth from the bottom of a stream, river, lake, bay, or other water body for the purpose of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredging materials are deposited either in the water or immediately adjacent to it, frequently producing water quality problems. The selection of dredge spoils disposal sites, whether aquatic or terrestrial, is critically related to the particle size of the

spoils material. If the material is predominantly clay-like in nature it requires very different disposal arrangements than, for instance, a sandy material. The type of spoils material also influences the dredging techniques and devices to be used.

Policies (3.6.C.1-4):

1. Control dredging in order to minimize damage to the natural resources and systems of both the area to be dredged and the area to receive the dredge materials.
2. Permit the depositing of dredge spoils in water areas only for habitat improvement, to correct problems of materials distribution adversely affecting fish and shellfish resources, or where significant adverse impacts will not result.
3. Seek the assistance of the Washington Department of Fish and Wildlife, Department of Natural Resources, and the University of Washington Friday Harbor Laboratories in identifying spoils disposal sites in water areas.
4. Prohibit dredging of bottom materials for the sole purpose of obtaining fill material.

3.6.D Shoreline Stabilization, Restoration, Enhancement, and Flood Protection Activities

Purpose:

Shoreline stabilization and flood protection are actions taken to reduce adverse impacts caused by current, flood wake or wave action. These actions include all structural and non-structural means to reduce impacts due to erosion, accretion, and flooding. Specific structural and non-structural shoreline modification activities included in this section are revetments, riprap, bank stabilization and other means of shoreline protection. Shoreline restoration and enhancement activities include the upgrading of terrestrial and tidal shorelines along with submerged tide lands. Such activities necessarily involve changes to natural conditions and therefore are appropriately subject to location, design and construction standards.

These provisions pertain to all shoreline stabilization, modification, restoration, and enhancement activities associated with or in support of a specific shoreline use. They also apply to projects whose chief intent is to protect the shoreline of a property or which have the primary function of mitigating or reducing flood damage.

Policies (3.6.D.1-11):

1. Locate and design all new development to prevent the need for shoreline stabilization measures and flood protection works. New development that requires shoreline stabilization should not be allowed.
2. Bank stabilization should be allowed for prevention of damage to existing development.
3. Use stabilization and protection works which are more natural in appearance, more compatible with on-going shore processes, and more flexible for long-term streamway management, such as protective berms or vegetative stabilization, over structural means such as bulkheads, concrete revetments or extensive riprap.
4. Permit structural solutions to reduce shoreline damage only after it is demonstrated that non-structural solutions would not be able to achieve the same protective purpose.

5. Sloping revetments are preferred to vertical bulkheads due to the destructive scouring impact of bulkheads on beaches unless it is demonstrated as infeasible.
6. Publicly financed or subsidized shoreline stabilization projects should provide for long term multiple use and shoreline public access. These works should also consider providing public, pedestrian shoreline access for low-intensity recreation.
7. Natural features such as snags, stumps or uprooted trees which support fish and other aquatic systems, and which do not intrude on the navigational channel or threaten other permitted uses should be left undisturbed.
8. Ensure that aquatic habitats, existing water quality levels and flood holding capacities are maintained in all beach enhancement projects.
9. Use naturally regenerating enhancement systems if:
 - a. The length and configuration of the beach will accommodate such systems;
 - b. Such protection is a reasonable solution to the needs of the specific site; and
 - c. Shoreline Restoration/Enhancement will accomplish one or more of the following objectives:
 - (1) recreate or enhance natural conditions;
 - (2) create or enhance natural habitat;
 - (3) mitigate erosion;
 - (4) enhance public access to the shoreline.
10. Encourage supplementary beach nourishment where existing shoreline stabilization is likely to increase impoverishment of existing beach materials at or down drift from the project site.
11. Analysis of off-site and cumulative impacts should be conducted for all proposed bank stabilization, restoration and enhancement, and flood protection activities. Such activities should be prohibited if they would result in beach or bank erosion along nearby shorelines.

3.7 AMENDMENT PROCEDURES

All proposed amendments to this Master Program shall be treated as amendments to the *Comprehensive Plan* and shall be handled according to the procedures established in Chapter 36.70A RCW. Compliance with this process will ensure formal public notice and public hearing(s), evaluation, and recommendation from the Planning Department's professional, technical perspective and from the Planning Commission's knowledgeable lay perspective. Final action will be reserved for the Board of County Commissioners subject to certification by the Washington Department of Ecology (WDOE), as required by the SMA (90.58.120 RCW). (*Prior Code: 16.40.1101(1)*)

Any person, including the County, may submit an application for a map amendment to the Planning Department together with any required fee. Any amendment must satisfy the requirements of the State Environmental Policy Act, 43.21C RCW and Chapter 197-11 WAC. The applicant has the burden of proof. The proponent must demonstrate that proposed amendments to shoreline master program environments (*i.e.*, shoreline re-designation requests) are consistent with the criteria set forth

in the shoreline environment designation criteria of this SMP and WAC 173-26-110, as amended, including:

1. The biophysical capabilities and limitations of the shoreline;
2. The existing development pattern; and
3. The goals and aspirations of the local citizenry.

The Planning Director shall send a copy of any locally approved amendment and information required by WAC 173-26-110 or its successor to the WDOE within fourteen days of the date of the Board of County Commissioners's decision. The WDOE's decision to approve, adopt by rule, or deny a proposed master program or amendment may be appealed to the Western Washington Growth Management Hearing Board as provided in RCW 90.58.190 and Chapter 461-08 WAC.