

Chapter 18.50
SHORELINE MASTER PROGRAM

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Article I. General Provisions

18.50.010 General.

- A. Title. This chapter of the Unified Development Code, together with Element 3 of the Comprehensive Plan, and Sections 18.80.110(I)(3), 18.80.110(J)(4), and 18.80.120(D) of this code, is the Shoreline Master Program for San Juan County, Washington.
B. Short Title. The short title of this chapter and Element 3 of the Comprehensive Plan is the "SJC Shoreline Master Program" or "SMP."
C. Authority.

- 1. The provisions of this section are adopted pursuant to RCW 90.58.140(3) and 90.58.200, the Shoreline Management Act of 1971 ("SMA"), Chapters 173-26 and 173-27 WAC, Element 3 of the Comprehensive Plan, and this Chapter 18.50 SJCC, the San Juan County Shoreline Master Program.
2. Liberal Construction. As provided in RCW 90.58.900, the SMA is exempted from the rule of strict construction, and it and the Shoreline Master Program shall be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and this program were enacted and adopted, respectively.
3. Conflicting Policies or Regulations. The SMA and the Shoreline Master Program comprise the basic state and local law regulating the use of shorelines in the County. Unless specifically provided otherwise, in the event that provisions of the Shoreline Master Program conflict with other applicable state or local policies or regulations, the SMA and Shoreline Master Program shall control. Where the Shoreline Master Program is more restrictive than other applicable state or local policies or regulations, the SMA and Shoreline Master Program shall control. Where other applicable state or local policies or regulations are more restrictive than the SMA and/or Shoreline Master Program, such policies or regulations control.

D. Official Map.

- 1. A map, known officially as the "San Juan

County Designated Shoreline Environments Map," (a.k.a., the "map," "official map") is part of the SJC Master Program. The map shows all areas of San Juan County under the jurisdiction of this master program and the official designated environments as provided by the Shoreline Element of the Comprehensive Plan for all affected lands and waters.

- 2. There is only one official copy of the map, which is maintained by the San Juan County planning department. Amendments to the map are promptly recorded on the official copy.
3. At the time of adoption of this master program, one copy of the official map will be filed with the County auditor. In addition, at least once every 12 months following the filing of the initial map with the auditor, the planning department will make an additional copy of the official map and file it, with the initial map, in the auditor's office. If the official map has not been amended during the 12-month period, the planning department may file with the auditor a notice to that effect, signed by the planning director, in lieu of a copy of the official map. The purpose of these annual filings is to create an official record of the changes occurring over time in the designated shoreline environments. At no time will the copies of the map filed with the auditor be altered in any way.
4. No part of the map may be altered or amended without the approval of the Washington Department of Ecology, except those changes provided for in subsection (C)(5) of this section.
5. Where questions arise regarding the precise boundaries of any designated environment, the administrator will make the final determination, subject to the provisions of SJCC 18.80.140, Appeals. Unofficial copies of the map may be prepared for administrative purposes as needed.
6. Lakes of 20 acres or more are subject to the Shoreline Management Act and the Shoreline Master Program, as provided in RCW 90.58.030(2)(d)(iii). Those lakes that meet this criterion but which are not shown on the official maps, or which are not shown with a shoreline

environment designation, shall be considered to be subject to the underlying Comprehensive Plan density designation while shoreline use is subject to the shoreline environment designation matching the Comprehensive Plan land use district designation for the area, until such time as the lakes are assigned specific designations in the County's Shoreline Master Program.

E. Responsibilities of Administrator, Planning Department, and Planning Commission.

1. Administrator.
 - a. Technical and Administrative Assistance. The administrator shall make written recommendations to the decisionmaker regarding shoreline permit applications, provide technical and administrative assistance to the hearing examiner or the BOCC as required, and provide such technical assistance to the planning commission as may be needed; and
 - b. Administrative Responsibilities. The administrator shall have the overall administrative responsibility for the master program, which includes:
 - i. Establishing the procedures and preparing the forms deemed essential for the administration of the Shoreline Master Program;
 - ii. Advising applicants for permits and other interested persons of the policies, regulations, and procedures established by the Shoreline Master Program and the Act;
 - iii. Making administrative interpretations of the Shoreline Master Program, as necessary;
 - iv. Collecting required fees;
 - v. Determining that applications are proper and complete prior to review;
 - vi. Making field inspections; and
 - vii. Seeking compliance with the provisions of the Shoreline Master Program and the SMA and of conditions attached to a shoreline permit issued by the County.
2. Planning Department and Planning Commission. The planning department and planning commission have authority to review and recommend revisions to the Shoreline Master Program, and shall monitor shoreline developments to enable effective and comprehensive review of this master program, as provided in SJCC 18.90.040. (Res. 77-2003 § 1; Ord. 13-2002 § 1; Ord. 2-1998 Exh. B § 5.1)

18.50.020 General applicability.

- A. Relationship to Comprehensive Plan.** This master program provides land use regulations to implement the goals and policies of the Comprehensive Plan Shoreline Element. These regulations apply to all of the land and waters of San Juan County which fall under the jurisdiction of the Shoreline Management Act. These regulations do not apply to development and uses beyond the jurisdictional limits of the Act unless a proposed development involves both jurisdictional and nonjurisdictional land and the upland development is found to adversely affect the shoreline environment. If a conflict occurs between this chapter and other sections of this code, this chapter shall prevail.
- B. Applicability to Persons.** This master program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other nonfederal entity which develops, owns, leases, or administers lands, wetlands, or waters which fall under the jurisdiction of the Shoreline Management Act, except for the right of any person established by treaty to which the United States is a party.
- C. Applicability to Federal Agencies.**
 1. Federal agencies are subject to the SJC Master Program and the Washington State Shoreline Management Act, as provided by the Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*; WAC 173-27-060(1)).
 2. The shoreline permit system applies to nonfederal activities constituting developments or conditional uses undertaken on lands subject to nonfederal ownership, lease, or easement even though such lands may fall within the external boundaries of federally owned lands.
 3. The shoreline permit system applies to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.
- D. Applicability to Development.** This master program applies to all "development" as defined in Chapter 18.20 SJCC.
- E. Applicability to Substantial Development.**
 1. This master program applies to all "substantial development" as defined in Chapter 18.20 SJCC.
 2. No substantial development may be undertaken unless a valid shoreline substantial development permit is first issued by the County and unless all work proceeds in compliance with the requirements of the Shoreline Management Act, this master program, and other applicable state and local regulations.

F. Exemptions from Substantial Development Permit Requirements.

1. Exemption from the substantial development permit requirements under subsection (G) of this section does not constitute an exemption from the policies of the Shoreline Management Act, the policies and regulations of this SMP, or other applicable local, state, or federal permit requirements. Exemption procedures are provided in SJCC 18.80.110(F). Exemptions shall be construed narrowly in accordance with WAC 173-27-040(1)(a). Statements of exemption are required for certain developments; *see* SJCC 18.80.110. A use classified as a conditional use or a use not named or contemplated in this chapter is allowed only as a conditional use and is ineligible for shoreline permit exemption.
2. The following, as defined in WAC 173-27-040, are not considered to be substantial developments:
 - a. Any development of which the total cost or fair market value, whichever is higher, does not exceed the maximum exempt amount allowed by state law, WAC 173-27-040(2)(a), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.
 - b. Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or the elements, subject to WAC 173-27-040(2)(b).
 - c. Construction of the normal protective bulkhead common to single-family residences subject to WAC 173-27-040(2)(c).
 - d. Emergency construction necessary to protect property from damage by the elements, in accordance with WAC 173-27-040(2)(d).
 - e. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. However, a feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling other than that which result from normal cultivation, shall not be

considered normal or necessary farming or ranching activities. For the purposes of this chapter, a “feedlot” shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations; or barns or similar agricultural structures on wetlands (WAC 173-27-040(2)(e)).

- f. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids, such as channel markers and anchor buoys. WAC 173-27-040(2)(f).
- g. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family, which residence does not exceed a height of 35 feet above average grade level, except as provided in this SMP, and which meets all requirements of the Act and this SMP, as specified in WAC 173-27-040(2)(g).
- h. Construction of a dock, including a community dock, designed for pleasure craft only, for the private, noncommercial use of the owners, lessee, or contract purchaser of single- and multiple-family residences, as specified in WAC 173-27-040(2)(h). This exception applies if either:
 - i. In salt waters, the fair market value of the dock does not exceed \$2,500; or
 - ii. In fresh waters, the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this code.
- i. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of the system waters, including return flow and artificially stored ground water from the irrigation of lands (WAC 173-27-040(2)(i)).
- j. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water (WAC

- 173-27-040(2)(j)).
- k. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as part of an agricultural drainage or diking system (WAC 173-27-040(2)(k)).
 - l. Site exploration and investigation activities that are prerequisite to preparation of an application for development authority under this code if:
 - i. The activity does not interfere with the normal public use of the surface waters;
 - ii. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - iii. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the County to ensure that the site is restored to pre-existing condition; and
 - v. The activity is not subject to the permit requirements of RCW 90.58.550 (WAC 173-27-040(2)(m)).
 - m. The process of removing or controlling an aquatic noxious weed, as defined in state law, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the U.S. Department of Agriculture or the department jointly with other state agencies under Chapter 43.21C RCW (WAC 173-27-040(2)(n)).
 - n. Watershed restoration projects as defined in Chapter 90.58 RCW, in accordance with WAC 173-27-040(2)(o).
 - o. A public or private project that is designed to improve fish or wildlife habitat or fish passage, as provided in WAC 173-27-040(2)(p), when all of the following apply:
 - i. The project has been approved by the Washington Department of Fish and Wildlife (WDFW);
 - ii. The project has received hydraulic project approval by the WDFW pursuant to Chapter 75.20 RCW; and
 - iii. The County has determined that the project is substantially consistent with this master program.
 - p. Hazardous substance remedial actions, as specified in WAC 173-27-040(3).
- G. Exemptions from Substantial Development Permit Requirements – Residential Appurtenances.** Normal appurtenances to a single-family residence are included in the permit exemption provided in subsection (F)(2)(g) of this section. “Normal appurtenance” means a structure that is necessarily connected to the use and enjoyment of a single-family residence and includes one garage, one accessory dwelling unit, attached decks, a driveway, utilities, fences, antennas, satellite dishes less than one meter in diameter, and solar arrays serving one single-family residence. For the “normal appurtenance” exemption to apply, the applicant must submit a certificate that the structure will be constructed by an owner, lessee or contract purchaser of a single-family residence for his or her own use or the use of his or her family or a person providing health care to the owner or the owner’s family. Normal appurtenances also include:
1. Grading of less than 250 cubic yards or removal of native vegetation that is not within 50 feet of the OHWM or the top of the bank, whichever is greater, when associated with the construction or modification of a single-family residence.
 2. Construction or renovation of structures with fair market value of less than the maximum value allowed by Chapter 90.58 RCW and WAC 173-27-040(2)(a).
 3. Beach access structures; provided, that a written statement of exemption is obtained; and provided, that all of the following criteria are met:
 - a. The total cost or fair market value of the improvements does not exceed the maximum allowed by state law.
 - b. No roofs or roof covering materials such as awnings are permitted.
 - c. All materials must be finished in subdued natural earth colors.
 - d. No construction or placement seaward or below the ordinary high water mark (OHWM) is permitted unless the stairs or ramp are connected to an exempt or permitted dock.
 - e. Stairs or ramps are allowed when no other beach access exists or is reasonably feasible.

- f. The maximum vertical height of the structure is 15 feet and the maximum width of the structure is three feet. One intermediate landing or platform with a maximum size of three feet by three feet is allowed. Stairways that are proposed for exposed areas of the shoreline shall not be located on rock faces or bluffs in excess of 172 percent average slope (*i.e.*, a maximum 60-degree angle).
- g. The bank stability requirements of SJCC 18.50.330(B)(2) shall be complied with.
- h. All disturbed areas shall be immediately replanted with naturally occurring vegetation. Deep-rooted plants as recommended by the Natural Resources Conservation Service or the WSU Cooperative Extension Service shall be planted on the face and top of the bank to help stabilize the soil. All planting shall be completed prior to the end of the growing season which immediately follows construction. All construction debris shall be immediately removed from the site.
- i. All stairs or ramps proposed for property associated with or located within subdivisions that contain shoreline common areas, as defined in SJCC 18.50.330(F)(2), must be located within the common area or the access easements to the shoreline common area.

H. Coordination with Element 3 of the Comprehensive Plan and UDC Regulations.

- 1. All shoreline use and development proposals must be consistent with the goals, policies, and regulations of this SMP, Element 3 of the Comprehensive Plan, and other applicable policies and regulations.
- 2. When a conditional use permit or variance is required by Chapter 18.30 SJCC for development also within the jurisdiction of this SMP, the hearing examiner, with the advice of the administrator, will attach such conditions to permit or variance approval as are necessary to ensure the development is consistent with this SMP.
- 3. When any proposed subdivision of land or other development is subject to the jurisdiction of this SMP the entire proposal will be reviewed as a single project. The application will be reviewed for consistency with the provisions of the Comprehensive Plan, this code, and this SMP; however, the specific use regulations of this SMP will apply only to those areas subject to shoreline

management jurisdiction. (Ord. 21–2002 § 6; Res. 145–1998; Ord. 2–1998 Exh. B § 5.2)

18.50.030 Definitions.

The definitions for all terms used in this document have the meanings specified in Chapter 18.20 SJCC. (Ord. 2–1998 Exh. B § 5.3)

Article II. General Regulations

18.50.040 Administration.

Administrative policies in Element 3 of the Comprehensive Plan and regulations in this chapter are applicable to all uses and activities regardless of SMP environment designation or eligibility for shoreline permit exemption that may occur within SMP jurisdiction. The following general regulations are in addition to use-specific regulations.

- A. All shoreline uses and shoreline modification activities, including those that do not require a shoreline substantial development permit, must conform to the policies and regulations of this SMP.
- B. All shoreline modification activities are prohibited unless they are in support of an allowable shoreline use which conforms to the provisions of this SMP.
- C. Shoreline uses, modification activities, and conditions listed as “prohibited” are not eligible for consideration as a shoreline variance or shoreline conditional use permit.
- D. The policies listed in Element 3 of the Comprehensive Plan provide guidance and direction and will be used by the County in applying the regulations.
- E. Where provisions of this SMP conflict, the more restrictive of the provisions applies unless specifically stated otherwise. (Res. 77–2003 § 2; Ord 13–2002 § 2; Ord. 2–1998 Exh. B § 5.4.1)

18.50.050 Archaeological and historic resources.

- A. When an application for a development permit is received for an area known to be archaeologically significant, the County will not take action on the application and the applicant will not initiate any excavation or development activity until the site has been inspected by a qualified archaeologist. No application will be delayed more than 10 working days for such an inspection. If the application is approved by the County, conditions will be attached reflecting the recommendations of the archaeologist regarding preservation or protection of the site.
- B. All development permits will contain a special provision advising the permit holder that if during

excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately, and the administrator must be notified at once. Activities authorized by the permit will not be delayed more than five working days for a finding of significance by the administrator, following the administrator's receipt of notification, unless the permit holder agrees to an extension of that time period.

- C. All development proposed for location adjacent to sites which are included in the state or national registers of historic places, or are determined to be eligible for listing, must be located so as to complement the historic site. Development which degrades or destroys the historical character of such sites is not permitted.
- D. Prior to the issuance of a permit in areas known to contain archaeological artifacts and data, the County requires that the developer provide for a site inspection and written evaluation by an archaeologist. Significant archaeological data or artifacts must be recovered before work begins or resumes on a project.
- E. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve archaeological artifacts or data, the project may be exempted from the permit requirements of these regulations. The County shall notify the Washington Department of Ecology, the State Attorney General's Office, and the Washington Office of Archaeology and Historic Preservation of such a waiver in a timely manner.
- F. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records) and must comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit) as well as the provisions of this code.
- G. Archaeological excavations are allowed subject to the provisions of this master program and applicable state laws.
- H. Identified historical or archaeological resources must be considered in park, open space, public access, and site planning, with access to such areas designed and managed so as to give maximum protection to the resource. (Ord. 2-1998 Exh. B § 5.4.2)

18.50.060 Clearing and grading.

- A. Clearing and grading activities are allowed only if:
 - (1) associated with an approved shoreline development;
 - (2) conducted only landward of a required building setback from shorelines; and
 - (3) disturbed areas not converted to another use within one year are replanted with native species. Replanted areas shall be maintained so that the vegetation is fully reestablished within three years of planting.
- B. Normal nondestructive pruning and trimming of vegetation for maintenance purposes is not subject to these clearing and grading regulations. In addition, clearing by hand-held equipment of invasive nonnative shoreline vegetation or plants listed on the state noxious weed list is allowed, provided native vegetation is promptly reestablished in the disturbed area.
- C. Tree removal permitted in a development approval is exempt from the regulations in this section.
- D. Commercial timber harvest conducted in accordance with an approved forest practices permit is exempt from the regulations in this section. (Ord. 2-1998 Exh. B § 5.4.3)

18.50.070 Environmental impacts.

- A. The location, design, construction, and management of all shoreline uses and activities must protect the quality and quantity of surface and ground water adjacent to the site and must adhere to the policies, standards, and regulations of applicable water quality management programs and related regulatory agencies.
- B. Solid waste disposal and liquid waste treatment facilities are prohibited on shorelines. Solid and liquid wastes, biosolids, and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto land.
- C. The release of oil, chemicals or hazardous materials onto land or into the water contrary to state or federal law is prohibited. Equipment for the transportation, storage, handling, or application of such materials in association with a lawful shoreline use must be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- D. All shoreline uses and activities shall be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and must be aesthetically compatible with the affected area.

- E. All shoreline uses and activities must utilize effective erosion control methods during construction and operation. Proposed methods must be included in the project description submitted with any permit application.
- F. All shoreline uses and activities must be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes.
- G. All shoreline uses and activities must be located, designed, constructed, and managed to minimize interference with natural shoreline processes such as water circulation, sand and gravel movement, erosion, and accretion.
- H. Land clearing, grading, filling, and alteration of natural drainage features and land forms must be designed to prevent maintenance problems or adverse impacts to adjacent properties or shoreline features.
- I. All shoreline developments must be located, constructed, and operated so as not to be a hazard to public health and safety.
- J. All shoreline uses and activities must be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works, such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties, or substantial site regrades.
- K. Herbicides and pesticides may not be applied to or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies. (Ord. 2-1998 Exh. B § 5.4.4)

18.50.080 Environmentally sensitive areas.

When located in an environmentally sensitive area overlay district or its buffer, shoreline uses and activities must be located, designed, constructed, and managed in accordance with the applicable requirements of SJCC 18.30.110 through 18.30.160, environmentally sensitive areas. (Ord. 2-1998 Exh. B § 5.4.5)

18.50.090 Parking.

- A. Parking is prohibited on structures located over water.
- B. Parking facilities must be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping must consist of native vegetation and be planted before completion of the parking area in such a manner that plantings provide effective screening within three years of project completion and through maturity of the species.
- C. Parking facilities serving individual buildings on the shoreline must be located landward from the principal building being served, except when the

parking facility is within or beneath the structure and adequately screened or where an alternative location would result in a lesser environmental impact on the shoreline.

- D. Parking facilities for shoreline activities must provide safe and convenient pedestrian circulation within the parking area and to the shoreline.
- E. Parking facilities shall be designed to prevent contamination of water bodies from surface water runoff. Parking facilities must be provided with the best available technologies and include a maintenance program that will assure proper functioning of all drainage facilities to prevent degradation of surface water quality. (Ord. 2-1998 Exh. B § 5.4.6)

18.50.100 Public access.

- A. Except as provided in subsections (B) and (C) of this section, shoreline substantial development permits or conditional uses shall provide public access where any of the following conditions are present:
 1. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact;
 2. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. Developments may interfere with access on their development site by blocking access or by discouraging use of existing on-site or nearby accesses;
 3. Where uses which are not a priority shoreline use under the Shoreline Management Act will locate on the shoreline of the state, the use or development shall provide public access to mitigate this impact; or
 4. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact.

Whenever public access is required, the permit file shall describe the impact, the required public access conditions, and how the conditions address the impact.

- B. An applicant need not provide public access where one or more of the following conditions apply:
 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by practical means;
 2. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

3. The cost of providing the access, easement or alternative amenity is unreasonably disproportionate to the long-term cost of the proposed development;
 4. Unacceptable environmental harm will result from the public access which cannot be mitigated; or
 5. Significant undue and unavoidable conflict between any access provision and/or adjacent uses would occur and cannot be mitigated.
- C.** In order to meet any of the conditions in subsections (B)(1) through (B)(5) of this section, the applicant must first demonstrate and the County determine in its findings that all reasonable alternatives have been exhausted, including but not limited to:
1. Regulating access by means such as maintaining a gate and/or limiting hours of use;
 2. Designing separation of uses and activities (*e.g.*, fences, terracing, use of one-way glazings, hedges, landscaping, *etc.*); and
 3. Developing provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
- D.** Developing uses and activities shall be designed and operated to avoid blocking, reducing or interfering with the public's physical accesses to the water and shorelines.
- E.** Public access provided by shoreline street ends, public utilities, and rights-of-way may not be diminished (RCW 35.79.035 and RCW 36.87.130).
- F.** Public access sites shall be connected directly to the nearest public street and shall include provisions for handicapped and physically impaired persons, where feasible.
- G.** Required public access sites shall be fully developed and available for public use at the time of the occupancy of the use or activity.
- H.** Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat for a subdivision or short subdivision as a condition running contemporaneously with the authorized land use. Said recordings shall occur at the time of permit approval (RCW 58.17.110).
- I.** The standard state-approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.
- J.** Future actions by the permit holder shall not diminish the usefulness or value of the public access provided.
- K.** A public access plan for Eastsound, consistent with the Eastsound Subarea Plan (Chapter 16.55 SJCC), has been developed by the County (Resolution 29–

1996) in cooperation with waterfront property owners and adopted as part of this master program for the village commercial waterfront. (Res. 145–1998; Ord. 2–1998 Exh. B § 5.4.7)

18.50.110 Shorelines of statewide significance.

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)). Use and development of such areas is subject to compliance with policies in Element 3, Section 3.4.F of the Comprehensive Plan. (Ord. 2–1998 Exh. B § 5.4.8)

18.50.120 Signs.

In addition to the standards in SJCC 18.40.370 through 18.40.400, the following apply:

A. Regulations.

1. Plans and designs for nonexempt signs must be submitted for review at the time of shoreline permit application.
2. All signs must be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline. Signs located outside of activity centers shall not be facing or directed towards the water, except as provided in subsection (A)(3) of this section.
3. Over-water signs or signs on floats or pilings are allowed only if directly related to the operations of a water-dependent use.
4. Light sources for externally lighted signs must be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses. Internally lighted signs are prohibited.
5. Signs related to specific on-site uses or activities must not exceed the maximum size limits specified in SJCC 18.40.370 through 18.40.400. On-site freestanding signs must not exceed six feet in height. When feasible, signs must be mounted flush against a building.
6. **Allowable Signs.** The following types of signs may be allowed in all shoreline environments:
 - a. Water navigational signs and water way and roadway safety and directional signs.
 - b. On-premises public information signs directly relating to an allowed shoreline use or activity.
 - c. Off-premises, freestanding signs for community identification, information, or directional purposes, if consistent with this section and SJCC 18.40.370 through 18.40.400.

- d. National, state and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
 - e. Temporary directional signs to public or quasi-public events if removed within the 10 days following the event.
 - f. No-trespassing signs and no-hunting signs, not to exceed two square feet.
 - g. Political signs.
7. Signs mounted flush to the wall of a building must not extend above the highest point on the wall to which they are mounted. Signs mounted at right angles to the wall of a building and freestanding signs must not be more than 15 feet above grade, measured from the top of the sign.

B. Additional Regulations by Environment.

- 1. In rural, rural residential, Eastsound marina and Eastsound residential environments, freestanding signs shall not be more than five feet above grade, measured from the top of the sign, except as otherwise provided in this code.
- 2. In the conservancy environment, outdoor advertising signs shall be allowed only if they are mounted flush to the wall of an approved structure and relate directly to that structure or use.
- 3. In natural and aquatic environments, signs shall be prohibited except for traffic signs, official warning signs, signs identifying public facilities, and other signs required by law; provided, that outdoor advertising signs may be allowed in the aquatic environment only if they are mounted flush to the wall of an allowed over-water structure and only if they could not as effectively be located on land.

C. Prohibited Signs. The following types of signs are prohibited:

- 1. Signs which significantly impair visual access to the shoreline.
- 2. Off-premises outdoor commercial advertising signs.
- 3. Spinners, streamers, pennants, flashing lights, internally lit signs, and other animated signs used for commercial purposes.
- 4. Signs placed on trees or other natural features.
- 5. Signs not in conformance with performance standards in SJCC 18.40.370 through 18.40.400. (Ord. 2–1998 Exh. B § 5.4.9)

18.50.130 Vegetation management.

- A.** All shorelines shall be protected from degradation caused by the modification of the land surface within the shoreline area or the adjacent uplands.
- B.** Development on shorelines that have been identified as unstable or sensitive to erosion in SJCC 18.30.120 is not allowed unless the applicant demonstrates that the development is located a sufficient distance from the shoreline to prevent contributing to its instability.
- C.** Restoration of any shoreline that has been disturbed or degraded shall be done with native plant materials with a diversity and type similar to that which originally occurred on-site.
- D.** Commercial nursery stock used in the restoration of disturbed or degraded shorelines shall, at maturity, emulate the previously existing vegetation in size, structure, and diversity.
- E.** Beach enhancement is prohibited:
 - 1. Within spawning, nesting, or breeding habitat;
 - 2. Where littoral drift of the enhancement materials will adversely effect adjacent spawning grounds or other areas of biological significance;
 - 3. If it will interfere with the normal public use of the navigable waters of the state; or
 - 4. Where the activity is in support of a nonconforming use unless such activities are necessary to maintain shoreline stability and the natural ecology.
- F.** Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
- G.** The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua-screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit. (See the exemption procedures in SJCC 18.80.110(F).)
- H.** The control of aquatic weeds by derooting, rotovating, or other method which disturbs the bottom sediment or benthos shall be a substantial development unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity. In that case, it shall be considered normal maintenance and repair.
- I.** Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control complies with all state rules and regulations. (Ord. 2–1998 Exh. B § 5.4.10)

18.50.140 View protection.

- A.** Shoreline uses and activities must be designed and operated to avoid blocking or adversely interfering with visual access from public areas to the water and shorelines except as provided for in SJCC 18.50.130.
- B.** The vacation of public road ends and rights-of-way which provide visual access to the water and shoreline may be allowed only in accordance with RCW 36.87.130 and local rules.
- C.** In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.
- D.** In order to limit interference with views from surrounding properties to the shoreline and adjoining waters, development on or over the water shall be constructed only as far seaward as necessary for the intended use.
- E.** Development on or over the water must be constructed of materials that are compatible in color with the surrounding area.
- F.** Visual shoreline access must be maintained, enhanced, and preserved on public road ends and rights-of-way. (Ord. 2–1998 Exh. B § 5.4.11)

18.50.150 Water quality.

- A.** During and after construction, all shoreline developments shall minimize any increase in surface runoff through control, treatment, and release of surface water runoff so that the receiving water quality and shore properties are not adversely affected. Control measures include dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls. All surface water shall be retained on site unless discharge to road ditches or other drainage channels is approved in writing by the County engineer.
- B.** All industrial, institutional, commercial, residential, recreational, and agricultural uses shall adhere to all required setbacks, buffers, and standards for stormwater. (Refer to shoreline use and environment designation regulations for specific limits.)
- C.** All shoreline development must comply with the applicable requirements of the Stormwater Management Manual for the Puget Sound Basin or a County-approved program that meets or exceeds the requirements of the manual. (*See also* SJCC 18.60.060(B) and (C) and 18.60.070.) (Ord. 2–1998 Exh. B § 5.4.12)

Article III. Specific Shoreline Use Regulations

18.50.160 General.

- A. Uses Not Identified in This SMP.** Shoreline uses not specifically identified in this master program and for which regulations have not been developed will be evaluated on a case-by-case basis and shall be allowed only as conditional uses. Such use proposals will be required to satisfy the policies of the Shoreline Management Act, the goals and general policies of this SMP, and to be consistent with the character and management policies of the designated shoreline environment in which they are proposed to be located. A shoreline conditional use permit is required.
- B.** The use regulations in SJCC 18.50.160 through 18.50.350 specify what will be required of any development located within a shoreline area. These regulations are directly supportive of the adopted policies for each designated environment and use. In the development of the regulations, the special character of each environment has been recognized. The regulations seek to reflect and preserve that character wherever appropriate. To this end, each of the use categories is composed of several regulation sections. In each case, one section contains regulations of general applicability in all environments where the use is allowed. The succeeding sections contain additional regulations required for the conduct of an activity in a specific shoreline environment. (Ord. 2–1998 Exh. B § 5.5.1)

18.50.170 Agriculture.

A. General Regulations.

1. Buffers of permanent vegetation or other suitable soil erosion controls shall be established and maintained between tilled or grazed areas and associated water bodies. The type and extent of such vegetation and other control shall be of a width or character sufficient to prevent surface runoff and reduce siltation.
2. Confined animal feeding operations, retention of storage ponds for feedlot wastes, and stockpiles of manure solids shall be located to prevent the pollution of water areas. Control guidelines prepared by the U.S. Environmental Protection Agency and state and local agencies shall be observed.
3. Commercial feedlots shall not be permitted on the shorelines.

4. All agricultural activities performed within watersheds for ground water collection or adjacent to shorelines shall develop a water quality conservation plan with the local USDA representative in line with “best management practices” and with the goal of protecting water quality. Agricultural activities conducted on agricultural resource lands will include the water quality plan as a portion of the five-year plan filed with the County assessor.

B. Regulations by Environment.

1. **Urban.** Agricultural activities shall be permitted in the urban environment subject to the policies and regulations contained in this master program.
2. **Rural.** Same as urban.
3. **Rural Residential.** Same as urban.
4. **Rural Farm-Forest.** Same as urban.
5. **Conservancy.** Same as urban.
6. **Natural.** Agricultural activities may be permitted in the natural environment as a conditional use; provided, that the resource which is to be protected by the natural designation will not be degraded.
7. **Aquatic.** Agricultural activities proposed for the aquatic environment are considered to be aquacultural activities and the policies and regulations of SJCC 18.50.180, Aquaculture, shall govern.
8. **Eastsound Urban, Eastsound Residential, Eastsound Marina District and Eastsound Conservancy.** Same as urban.
9. **Eastsound Natural.** Same as natural.
10. **Shaw Rural, Shaw Rural Farm-Forest and Shaw Conservancy.** Same as urban.
11. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.2)

18.50.180 Aquaculture.

A. General Regulations.

1. Because all shorelines within the County seaward of the line of extreme low tide have been designated “shorelines of statewide significance,” aquacultural activities proposed in that area shall be subject to, first, the policies referred to in SJCC 18.50.110, Shorelines of statewide significance and second, the general and use-specific regulations contained in this chapter.
2. No structures or facilities which would have a significant adverse impact on the natural, dynamic processes of shoreline formation and change shall be approved or constructed.

3. No aquatic organism shall be introduced into San Juan County salt or fresh waters without prior written approval of the Washington Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism proposed for introduction. The required approval shall be submitted in writing to the permit center prior to the introduction or the granting of the permit, whichever comes first.
4. The County shall not issue permits for projects that include the introduction of aquatic organisms to salt waters until it has also requested written comment, and provided reasonable opportunity to comment on the proposed introduction, from the director of the University of Washington Friday Harbor Laboratories.
5. Unless otherwise provided in the shoreline permit issued by the County, after a permit is issued the repeated introduction of an approved organism in the same location shall not require subsequent approval by the County. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of San Juan County regardless of whether it is a native or resident organism within the County and regardless of whether it is being transferred from within or without the waters of San Juan County.
6. Aquacultural activities shall comply with all applicable governmental noise, air pollution, and water quality standards, including those in Chapter 18.60 SJCC. All activities shall be operated and maintained to minimize odor and noise.
7. Aquacultural activities shall be restricted to reasonable hours, subject to tides, and days of operation, when necessary to minimize significant, adverse impacts from noise, light, and glare on nearby residents.
8. Aquacultural structures and equipment, except navigation aids, shall be designed, operated, and maintained to blend into their surroundings through the use of appropriate colors and materials.
9. The County may require of aquacultural permittees evidence of financial responsibility in an amount commensurate with the risk of injury or damage to any person, property, or environment as a result of the project. Evidence of financial responsibility shall not duplicate requirements of other agencies.
10. Where aquacultural projects are authorized to use public facilities, such as boat launches or docks, the County shall reserve the right to require the applicant to pay a portion of the cost

- of maintenance and any required improvements commensurate with the applicant's use.
11. All aquacultural structures and facilities shall be marked in accordance with U.S. Coast Guard requirements.
 12. Aquacultural structures and equipment shall be of sound construction and shall be maintained properly. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the County shall require evidence of financial responsibility in an amount commensurate with the cost of removal or repair. The County abate an abandoned or unsafe structure, following notice to the owner, if the owner fails to respond in 30 days. The County may take such action as necessary to enforce the financial responsibility of the applicant. Evidence of financial responsibility shall not duplicate requirements of other agencies.
 13. Applicants shall include in their applications all information needed to conduct thorough evaluations of their aquaculture proposals, including the following:
 - a. Species to be reared.
 - b. Aquaculture method(s).
 - c. Anticipated use of any feed, pesticides, herbicides, antibiotics, or other substances, and their predicted impacts.
 - d. Manpower or employment necessary for the project.
 - e. Harvest and processing location, method, and timing.
 - f. Location and plans for any shore-side activities, including loading and unloading of the product, processing, and any use of freshwater supplies.
 - g. Methods of waste disposal and predator control.
 - h. Environmental assessment, including best available background information on water quality, tidal variations, prevailing storm wind conditions, current flows, flushing rates, aquatic and benthic organisms, and probable impacts on water quality, biota, currents, littoral drift, and any existing shoreline or water uses. Further baseline studies may be required depending upon the adequacy of available information, existing conditions, the nature of the proposal, and probable adverse environmental impacts. Baseline monitoring shall be at the applicant's expense unless otherwise provided for.
 14. Legally established aquacultural enterprises, including authorized experimental projects, shall be protected from incompatible uses which may seek to locate nearby. Demonstration of a high probability that such an adjacent use would result in damage to or destruction of such an aquacultural enterprise shall be grounds for the denial of that use.
 15. Operational monitoring may be required if and to the extent that it is necessary to determine, ensure, or confirm compliance with predicted or required performance. Such monitoring requirements shall be established as a condition of the permit and shall be conducted at the applicant's or operator's expense.
 16. No processing of any aquacultural product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms, shall occur in or over the water after harvest, unless specifically approved by permit. All other processing and processing facilities shall be located on land and shall be governed by the policies and regulations of SJCC 18.50.310, Ports and water-related port facilities, in addition to the policies and regulations in this section.
 17. Aquacultural wastes must be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.
 18. Aquacultural uses and facilities must be located at least 600 feet from any National Wildlife Refuge lands or habitats of special significance for birds or mammals (as identified in recognized reference documents, such as the Washington Department of Ecology publication, "Washington Coastal Areas of Major Biological Significance," or as determined by the Washington Department of Fish and Wildlife). Fish net-pens and projects involving substantial substrate modification shall be located 1,500 feet or more from such areas; however, lesser distances may be authorized by permit if it is demonstrated by the applicant that the wildlife resource will be protected and if the exception is supported by the reviewing resource agencies. Greater distances also may be required if supported by the reviewing resource agencies.
 19. Predator control shall not involve the killing or abusive harassment of birds or mammals. Approved controls include but are not limited to double netting for seals, overhead netting for
 - i. Other pertinent information deemed necessary by the administrator.

birds, and three-foot-high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

20. Permit applications shall identify all pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, or other chemicals the applicant anticipates using. No such materials shall be used until approval is obtained from all appropriate state and federal agencies, including the U.S. Food and Drug Administration, the Washington Departments of Ecology, Fish and Wildlife, and Agriculture, as required, and proof of such approvals is submitted to the County. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing.
21. For aquacultural projects using over-water structures, storage of necessary tools and apparatus seaward of the line of ordinary high tide shall be limited to containers of not more than three feet in height, as measured from the surface of the raft or dock. However, in locations where the visual impact of the proposed aquaculture structures will be minimal, the County may authorize storage containers of greater height. In such cases, the burden of proof shall be on the applicant. Materials which are not necessary for the immediate and regular operation of the facility shall not be stored seaward of the ordinary high water mark.
22. Proposals for mechanical clam harvesting or other activities that involve substantial substrate modification through dredging, trenching, digging, or adverse sedimentation shall not be allowed in existing kelp beds or in beds of native eel grass (*Zostera marina*) containing more than two turions per one-quarter square meter in winter or three turions per one-quarter square meter in summer.
23. Fish net-pens shall meet, as a minimum, state-approved administrative guidelines for the management of net-pen cultures. Where any conflict in requirements arises, the more stringent requirement shall prevail.
24. Fish net-pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements.
25. Aquacultural proposals that include net pens or rafts shall not be located closer than one nautical mile to any other aquacultural facility that includes net pens or rafts. However, a lesser distance may be authorized by the County if the

applicant can demonstrate to the County's satisfaction that the environmental and aesthetic concerns expressed in this SMP will be protected. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the structures, storage of necessary tools and apparatus seaward of the line of ordinary high tide shall be limited to containers of not more than three feet in height, as measured from the surface of the raft, or that the cumulative impacts of the existing and proposed operations would not be contrary to the policies and regulations of this SMP.

26. Except as provided in subsection (A)(22) of this section, aquacultural developments approved on an experimental basis shall not exceed five acres in area (except anchorage for floating systems) and five years in duration. The County may, however, issue a new permit to continue an experimental project as many times as is deemed necessary and appropriate.
27. Where necessary to preserve the integrity of any research data collected, aquaculture developments which would be likely to jeopardize an experimental aquaculture development shall not be allowed within the same bay, harbor, or cove with any such aquaculture development, or within a mile of such a development if the water body is larger than one square mile in area, until after the experimental project is granted nonexperimental status or terminated.
28. For floating culture facilities, the County shall reserve the right to require a visual impact analysis consisting of information comparable to that found in the Washington Department of Ecology's "Aquacultural Siting Study" of 1986.
29. For all development that would be likely to affect water quality or quantity affecting a permitted and currently established aquaculture project, a separate administrative review shall be completed prior to issuing any development permit. The administrator may request research or analysis, as necessary, by appropriate experts such as hydrologists or marine biologists, to assist in determining that marine water quality impacts will not damage or destroy the aquaculture use, based on a preponderance of the evidence. No development permit shall be granted if the aquaculture operation will likely be damaged or destroyed based on a preponderance of the evidence.

B. Regulations by Environment.

1. **Urban.** Aquacultural activities shall be permitted in the urban environment subject to the policies and regulations of this master program.

2. **Rural.** Aquacultural activities shall be permitted in the rural general use environment subject to the policies and regulations of this SMP; provided, that the proposed structures and facilities will not have a significant adverse impact on the aesthetic qualities of the surrounding area.
 3. **Rural Residential.** Aquacultural activities shall be permitted in the rural residential environment subject to the policies and regulations of this SMP; provided, that the proposed structures and facilities will not have a significant adverse impact on the aesthetic qualities of the surrounding area. Proposals containing net-pen facilities shall be located no closer than 1,500 feet from the OHWM of this environment, unless a lesser distance is determined to be appropriate based upon a visual impact analysis. Other types of floating culture facilities may be located within 1,500 feet of the OHWM but in such cases a visual analysis shall be mandatory.
 4. **Rural Farm-Forest.** Same as rural.
 5. **Conservancy.** Aquacultural activities shall be permitted in the conservancy environment subject to the policies and regulations of this SMP; provided, that the natural resources and systems of the environment will not be significantly altered; and provided further, that the required structures and facilities, both terrestrial and aquatic, will not have a significant adverse impact on the aesthetic qualities of the surrounding area.
 6. **Natural.** Aquacultural activities that do not require structures or facilities or mechanized harvest practices and that will not result in the alteration of natural systems or features shall be permitted in the natural environment subject to the policies and regulations contained in this SMP.
 7. **Aquatic.** Aquacultural activities shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment applicable to the most restrictive abutting shoreline environment, to be determined on a case-by-case basis but to be considered generally as the shoreline environment visible within 1,500 feet of a project site; provided, that the policies and regulations of a less restrictive abutting environment may be substituted if the administrator determines that the public interest would not be compromised by doing so.
 8. **Eastsound Urban, Eastsound Residential, and Eastsound Marina.** Same as urban.
 9. **Eastsound Conservancy.** Same as conservancy.
 10. **Eastsound Natural.** Same as natural.
 11. **Shaw Rural and Shaw Rural Farm-Forest.** Same as rural.
 12. **Shaw Conservancy.** Same as conservancy.
 13. **Shaw Natural.** Same as natural. (Ord. 2-1998 Exh. B § 5.5.3)
- 18.50.190 Boating facilities (including docks, piers, and recreational floats).**
- Notwithstanding any other provision of this code, all docks, floats, piers or other moorage structures in village and hamlet activity centers, including any breakwater attendant to such moorage structures, except those regulated under subsection (G) of this section (residential docks) shall be prohibited. This provision shall not affect the ability of an applicant to obtain required approvals to repair, replace, enhance, modify, or enlarge any existing dock, float, pier or other moorage structure in a manner consistent with existing law.
- A. Exemptions.** Docks, as specified in SJCC 18.50.020(F), are exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3)(e)(vii) and WAC 173-27-040(2)(h).
- B. General Regulations.**
1. Boating facilities shall be designed to minimize adverse impacts on marine life and the shore process corridor and its operating systems.
 2. Boating facilities shall be designed to make use of the natural site configuration to the greatest possible degree.
 3. All boating facilities shall comply with the design criteria established by the State Department of Fish and Wildlife relative to disruption of currents, restrictions of tidal prisms, flushing characteristics, and fish passage to the extent that those criteria are consistent with protection of the shore process corridor and its operating systems.
 4. Areas with poor flushing action shall not be considered for overnight or long term moorage facilities.
 5. In general, only one form of moorage or other structure for boat access to the water shall be allowed on a single parcel: a dock or a marine railway or a boat launch ramp may be permitted subject to the applicable provisions of this code. (A mooring buoy may be allowed in conjunction with another form of moorage.) However, multiple forms of moorage or other structures for boat access to the water may be allowed on a single parcel if:
 - a. Each form of boat access to water serves a public or commercial recreational use,

provides public access, is a part of a marina facility, or serves an historic camp or historic resort; or

- b. The location proposed for multiple boat access structures is common area owned by or dedicated by easement to the joint use of the owners of at least 10 waterfront parcels.
6. Structures on piers and docks shall be prohibited, except as provided for marinas in subsection (H) of this section.

C. General Regulations – Docks, Piers, and Recreational Floats.

1. Multiple use and expansion of existing facilities are preferred over construction of new docks and piers.
2. Mooring buoys shall be preferred over docks and piers on all marine shorelines except in the cases of port, commercial, or industrial development in the urban environment.
3. Moorage floats, unattached to a pier or floating dock, are preferred over docks and piers.
4. Every application for a substantial development permit for dock or pier construction shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential impacts on littoral drift, sand movement, water circulation and quality, fish and wildlife, navigation, scenic views, and public access to the shoreline.
5. Docks or piers which can reasonably be expected to interfere with the normal erosion-accretion process associated with feeder bluffs shall not be permitted.
6. Abandoned or unsafe docks and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the County may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.
7. Unless otherwise approved by shoreline conditional use permit, boats moored at residential docks shall not be used for commercial overnight accommodations.
8. Use of a dock for regular float plane access and moorage shall be allowed only by shoreline conditional use permit and shall be allowed only at commercial or public moorage facilities or at private community docks.

D. Regulations – General Design and Construction Standards.

1. Pilings must be structurally sound prior to placement in the water.

2. Chemically treated or coated piles, floats, or other structural members in direct contact with the water shall be as approved by the Environmental Protection Agency.
3. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high water.
4. All floats shall include stops which serve to keep the bottom off tidelands at low tide.
5. When plastics or other nonbiodegradable materials are used in float, pier, or dock construction, full containment features in the design of the structures shall be required.
6. Overhead wiring or plumbing is not permitted on piers or docks.
7. New boathouses or covered moorages are prohibited on floats, piers, and docks. Other structures on floats, piers, and docks shall be limited to three feet in height.
8. A pier shall not extend offshore farther than 50 feet beyond the extreme low tide contour.
9. Dock lighting shall be designed to shine downward, be of a low wattage, and shall not exceed a height of three feet above the dock surface.
10. All construction-related debris shall be disposed of properly and legally. Any debris that enters the water shall be removed promptly. Where feasible, floats shall be secured with anchored cables in place of pilings.
11. Materials used in dock construction shall be of a color and finish that will blend visually with the background.

E. Regulations – Joint-Use Community Piers, Docks, and Floats.

1. No more than one moorage facility shall be allowed as an accessory to any hotel, motel, multifamily residential development, or similar development.
2. Proposals for joint-use community piers and docks shall demonstrate and document that adequate maintenance of the structure and the associated upland area will be provided by identified responsible parties.
3. Recreational floats shall be placed offshore no farther than 200 feet beyond extreme low tide, the minus-3 fathom contour, or the line of navigation, whichever is closest to shore (WAC 332-30-148(2)).
4. All waterfront subdivisions approved after the adoption of this SMP shall include or provide for construction of a single joint-use moorage facility by the lot owners if moorage is desired by the owners, in a designated, reserved area of

the waterfront. Identification of a moorage site shall not be construed to indicate that a shoreline permit will be granted for that site. Subdivisions located where it would be physically impossible to construct such a facility shall be exempt from this provision. Individual docks and piers shall be prohibited; however, 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. A legal easement must be dedicated to all lot owners for access to joint-use facilities.

5. The dimensional standards in subsection (G)(2) of this section shall apply.

F. Regulations – Commercial/Industrial Docks.

1. Substantial development permits for docks or piers serving single commercial or industrial enterprises shall not be granted until nearby commercial and industrial enterprises have been contacted regarding their water access needs and plans. Where more than one enterprise needs and could realistically make use of a single moorage facility, permits for individual facilities shall not be granted.
2. Commercial and industrial moorage facilities and other docks and piers consisting of more than 20 moorage spaces shall be subject also to the applicable policies and regulations of this section.
3. Bulk storage for gasoline, oil, and other petroleum products for any use or purpose is prohibited on piers and docks. Bulk storage means nonportable storage in fixed tanks.
4. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.

G. Regulations – Residential Docks.

1. **New Shoreline Subdivisions.** New subdivisions with shoreline frontage shall be required to provide community docks rather than individual, private docks, if any docks are proposed, as set forth in subsection (E) of this section.
2. **Size and Dimensions of Docks, Piers, and Floats.**
 - a. The maximum dimensions for a dock (including the pier, ramp, and float) associated with a single-family residence shall not exceed 700 square feet and 115 feet in length as measured from the ordinary high water mark. Docks exceeding these dimensions may only be authorized by variance.
 - b. The maximum dimensions for a joint-use dock (including the pier, ramp, and float)

associated with two single-family residences shall not exceed 1,400 square feet and 200 feet in length as measured from the ordinary high water mark. Docks exceeding these dimensions may only be authorized by variance.

- c. The maximum dimensions for a joint-use community dock (including the pier, ramp, and float) associated with more than two single-family residences shall not exceed 2,000 square feet and 300 feet in length as measured from the ordinary high water mark. If a variance is granted to allow a dock exceeding these dimensions, its construction may only be authorized subject to the regulations for a marina.
 - d. Maximum length and width of a ramp, pier or dock shall be the minimum necessary to accomplish moorage for the intended boating use.
3. **Side Yard Setbacks.** Docks shall be set back a minimum of 10 feet from side property lines. However, a joint use community dock may be located adjacent to or upon a side property line when mutually agreed to by contract or by covenant with the owners of the adjacent property. A copy of such covenant or contract must be recorded with the County auditor and filed with the approved permit to run with the title to both properties involved.
 4. Development of a dock on a lot intended for single-family residential purposes shall require a shoreline substantial development permit or a statement of exemption issued by the County.
 5. Applications for nonexempt docks and piers associated with single-family residences shall not be approved until:
 - a. It can be shown by the applicant that existing facilities are not adequate or feasible for use;
 - b. Alternative moorage is not adequate or feasible; and
 - c. The applicant shall have the burden of providing the information requested for in subsections (A) and (B) of this section, and shall provide this information in a manner prescribed by the administrator.

H. Regulations – Marinas.

1. Dredging or filling of wetlands for the sole purpose of constructing a marina shall be prohibited.
2. No marina shall be approved for construction within one-half mile of any outfall of primary treated domestic or industrial sewage except as a conditional use.

3. All service facilities within or associated with a marina shall include provisions to prevent pollutants from entering the water.
4. Commercial covered moorages may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be necessary over water.
5. Marina-related structures or uses which are not in and of themselves shoreline dependent shall not be located over water.
6. Marinas shall be sited to prevent any restrictions in the use of commercial and recreational shellfish beds and in compliance with The Washington Department of Health's "Environmental Health Guidelines for Marina Development and Operation."
7. The incorporation of reasonable public use facilities into public marina design shall be required. Marinas may include specific areas restricted for security reasons.
8. Marinas shall be designed to minimize their adverse effects on the scenic qualities of the shorelines.
9. Surface runoff from marina areas shall be controlled so that pollutants will not be carried into water bodies.
10. Marinas shall not be permitted on Class I beaches or where their presence would interrupt driftways feeding Class I beaches.
11. Where landfill is permitted, it shall be only for the necessary water dependent portions of the facility and shall conform to the policies and regulations of SJCC 18.50.360 and 18.50.370. Landfill shall not be permitted for the creation of parking areas unless no feasible alternative exists and the creation of a parking area would be consistent with the policies of this SMP and with the public interest.
12. Parking areas associated with marinas shall be subject to the policies and regulations of SJCC 18.50.340, Transportation facilities.
13. Marinas shall be subject to the general design and construction standards for docks in subsection (D) of this section.

I. Regulations – Boat Launches (including marine railways).

1. Boat launching ramps and marine railways shall be designed so as not to obstruct longshore drift.
2. Residential Launch Ramps. Boat launching ramps may be permitted for individual residences where the upland slope within 25 feet of the OHWM does not exceed 25 percent and

where substantial cutting, grading, filling, or defense works are not necessary.

3. Boat launching ramps, minor accessory buildings, and haul out facilities shall be designed to be in character and scale with the surrounding shoreline.
4. Boat launching ramps and marine railways shall not be permitted on Class I beaches or where their presence would interrupt driftways feeding Class I beaches.
5. Marine railways for boat launching shall be located on existing grade, avoiding landfill where feasible, and shall not obstruct public access to and along the shoreline and across publicly-owned tidelands. When a boat is hauled out of the water, it shall be screened if it remains on the marine railway. A boathouse at the landward end of a marine railway, above the OHWM, is allowed in conjunction with a marine railway subject to the general regulations of this SMP.

J. Regulations – Mooring Buoys.

1. Buoys shall not interfere with navigation and shall be visible in daylight 100 yards away. Buoys shall have reflectors for night visibility.
2. Mooring buoys shall be installed so as not to interfere with or obstruct legally existing piers, docks, floats, or other buoys.

K. Regulations by Environment.

1. **Urban.** Marinas, marine railways, docks, and boat launches shall be permitted in the urban environment subject to the policies and regulations of this SMP.
2. **Rural.** Same as urban.
3. **Rural Residential and Rural Farm-Forest.** Boat launches, marine railways, and boathouses associated with them may be allowed as conditional uses only. Other boating facilities serving single-family residences, and community docks, shall be permitted in these environments subject to the policies and regulations of this SMP. Marinas shall not be permitted; however, the expansion or alteration of a marina legally established prior to the effective date of this code may be allowed subject to the policies and regulations of this SMP.
4. **Conservancy.** Boat launches, marine railways, and boathouses associated with them, may be allowed as conditional uses only. Other boating facilities serving single-family residences and community docks shall be permitted in these environments subject to the policies and regulations of this SMP. Marinas shall not be permitted.

5. **Natural.** Marinas, boat launches, docks, boathouses, and marine railways are prohibited in the natural environment.
6. **Aquatic.** Marina facilities, docks, and boat launches which are shoreline dependent shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment applicable to the abutting shoreline area. Where a proposed boating facility abuts more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.
7. **Eastsound Urban.** Boating facilities shall be allowed only in accordance with moorage facility provisions specified in an adopted public access plan for public access purposes.
8. **Eastsound Marina District.** Boating facilities other than marina-related uses are allowed only within the marina waterway.
9. **Eastsound Residential, Eastsound Conservancy, and Eastsound Natural.** Boating facilities are prohibited.
10. **Shaw Rural.** Same as urban, unless specified otherwise in the Shaw Island Subarea Plan.
11. **Shaw Rural Farm-Forest.** Same as rural farm-forest, unless specified otherwise in the Shaw Island Subarea Plan.
12. **Shaw Conservancy.** Same as conservancy.
13. **Shaw Natural.** Same as natural. (Ord. 12–2000 § 2; Res. 145–1998; Ord. 2–1998 Exh. B § 5.5.4)

18.50.200 Breakwaters, jetties, and groins.

A. Regulations.

1. Breakwaters shall conform to all design requirements established by the State Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
2. Breakwaters shall be designed and constructed in a manner which will prevent detrimental impacts on the circulation of water, the movement of sand, and on aquatic life. The design shall also be such that impediments to navigation and to visual access from the shoreline shall be minimized.
3. Public breakwaters shall be designed to permit pedestrian use of their surfaces where safe and feasible.
4. Applications for breakwater permits shall include at least the following information:
 - a. The purpose of the breakwater;
 - b. Direction of net longshore drift, when appropriate;
 - c. Direction of prevailing winds and strongest tidal current;
 - d. Proposed construction materials; and
 - e. Proposed method of construction.
5. Jetties and groins may be permitted only as shoreline conditional uses.
6. Applications for substantial development permits for jetties and groins shall include at least the following information:
 - a. Purpose of proposed project;
 - b. Proposed type of construction;
 - c. Proposed method of construction;
 - d. Direction of net longshore drift (jetties only);
 - e. Source and normal destination of material to be trapped (groins only);
 - f. Proposed beach feeding procedures (where appropriate); and
 - g. Source and composition of materials to be used for feeding (where appropriate).

B. Regulations by Environment.

1. **Urban.** Breakwaters, jetties, and groins shall be permitted in the urban environment subject to the policies and regulations of this SMP.
2. **Rural.** Same as urban.
3. **Rural Residential and Rural Farm-Forest.** Same as urban.
4. **Conservancy.** Floating breakwaters may be permitted in the conservancy environment if they can be made visually compatible with their surroundings. Rigid breakwaters shall be allowed only as a shoreline conditional use. Jetties and groins shall be prohibited.
5. **Natural.** Breakwaters, jetties, and groins are prohibited in the natural environment.
6. **Aquatic.** Breakwaters shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment applicable to the abutting shoreline area. Where the proposed breakwater site abuts more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.
7. **Eastsound Urban, Eastsound Residential, Eastsound Conservancy, and Eastsound Natural.** Breakwaters, jetties, and groins are prohibited.
8. **Eastsound Marina District.** Breakwaters, jetties, and groins are prohibited; however, this shall not preclude the maintenance, expansion or extension of the existing marina basin retaining walls and groins.

9. **Shaw Rural and Shaw Rural Farm-Forest.** Same as urban.
10. **Shaw Conservancy.** Same as conservancy.
11. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.5)

18.50.210 Bulkheads.

A. Regulations.

1. No bulkhead to protect a single-family residence or appurtenant structures shall be constructed until the County has reviewed the proposed construction and determined that the project is or is not exempt from the shoreline permit requirements and is consistent with the policies of the SMA and this SMP.
2. Nonexempt bulkheads shall be permitted only when nonstructural shoreline protection, restoration, or modification techniques have been shown to be ineffective and it can be shown that one or more of the following conditions exists:
 - a. Serious erosion is threatening an established use on the adjacent uplands;
 - b. A bulkhead is needed and is the most reasonable method of stabilizing an existing beach condition;
 - c. There is a demonstrated need for a bulkhead in connection with water-dependent or water-related commerce or industry in an appropriate environment; or
 - d. A bulkhead is the most desirable method for stabilizing a landfill permitted under this master program.
3. Bulkheads shall not be permitted in conjunction with new projects or development when practical alternatives are available.
4. Bulkheads shall be permitted on marine feeder bluffs only where (a) a clear and significant danger to established development exists and (b) there is reasonable cause to believe that the bulkhead will in fact arrest the bluff recession and will not seriously disrupt the feeder action or the driftway.
5. Bulkheads constructed on Class I marine beaches shall be located behind the berm.
6. All bulkheads shall conform to the design requirements of the Washington Department of Fish and Wildlife, except where such design would be incompatible with protection of the shore process corridor and operating systems.
7. Applications for bulkhead permits shall include at least the following information:
 - a. Purpose of proposed bulkhead;

- b. Low, normal, and high elevations, when appropriate;
- c. Direction of net longshore drift, when appropriate;
- d. Type of construction proposed; and
- e. Elevation of the toe and crest of the proposed bulkhead with respect to water levels.

8. Bulkheads shall be prohibited for any purpose if it will cause significant erosion or beach starvation.

B. Regulations by Environment.

1. **Urban.** Bulkheads shall be permitted in the urban environment subject to the policies and regulations of this SMP.
2. **Rural.** Same as urban.
3. **Rural Residential and Rural Farm-Forest.** Same as urban.
4. **Conservancy.** Bulkheads may be permitted in the conservancy environment on marine shorelines subject to the policies and regulations of this SMP but shall not be allowed on freshwater shorelines.
5. **Natural.** Bulkheads are prohibited in the natural environment.
6. **Aquatic.** Bulkheads shall be permitted in the aquatic environment subject to terms under which bulkheads may be allowed in the abutting shoreline environment and to the policies and regulations of this SMP; provided, that a location landward of the OHWM is not feasible. Where permitting in the aquatic environment, bulkheads shall be constructed as close to the OHWM as possible.
7. **Eastsound Urban.** Bulkheads shall be permitted in the Eastsound urban environment subject to the provision that, for properties (*cf.* SJCC 16.55.210(E)(2)(d) within the geographic scope of the Eastsound Waterfront Access Plan (Resolution 29–1996), new and existing bulkheads are recognized as allowable and may be newly constructed, repaired, maintained, or reconstructed in their present locations or seaward of the OHWM, subject to the regulations and permit requirements of this code.
8. **Eastsound Residential and Eastsound Marina District.** Same as urban.
9. **Eastsound Conservancy.** Same as conservancy.
10. **Eastsound Natural.** Same as natural.
11. **Shaw Rural and Shaw Rural Farm-Forest.** Same as urban.
12. **Shaw Conservancy.** Same as conservancy.

13. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.6)

18.50.220 Commercial development.

A. General Regulations.

1. Applications for commercial development shall include a detailed statement explaining the nature and intensity of the water dependency or orientation of the proposed activity. Such statement shall include at least the following:
 - a. Nature of the commercial activity;
 - b. Need for shoreline frontage;
 - c. Proposed measures to enhance the relationship of the activity to the shoreline; and
 - d. Proposed provision for public visual or physical access to the shoreline.
2. Commercial resorts and campgrounds shall provide adequate access to water areas for their patrons and adequate on-site recreation facilities so that such resorts and campgrounds will not be dependent on nor place undue burdens on public recreational facilities.
3. The draining or filling of water bodies or natural wetlands for commercial developments shall not be permitted except as a conditional use.
4. Only those commercial uses which are water-dependent, such as boat fueling stations, shall be permitted to be located over the water.
5. All structures shall be set back a safe distance behind the tops of feeder bluffs.
6. Parking areas associated with commercial developments shall be subject to the policies and regulations of SJCC 18.20.090, Parking, and 18.50.340, Transportation facilities.
7. Ports and marinas shall be equipped to contain and clean up oil, gasoline, and other polluting spills.
8. Drainage and surface runoff from commercial areas shall be controlled so that pollutants will not be carried into water bodies.
9. Signs associated with commercial developments shall comply with the policies and general regulations of SJCC 18.40.370 through 18.40.400 and SJCC 18.50.120.
10. The processing of agricultural and aquacultural products for sale constitutes commercial or industrial development, as determined by the administrator. Provisions for the sale of such products constitutes commercial development.

B. Regulations by Environment.

1. **Urban.** Commercial development shall be permitted in the urban environment subject to the

policies and regulations of this SMP. Except as provided for in subsection (A)(4) of this section, commercial structures and facilities shall be set back at least 50 feet from the OHWM unless otherwise provided for by conditional use.

2. **Rural.** Commercial development which will not significantly alter the character of the area shall be permitted in the rural environment only by conditional use and subject to the policies and regulations contained in this SMP. Such development would include, but not necessarily be limited to, farm produce sales, activities directly related to the commercial fishing industry, small campgrounds, and other low intensity recreational facilities. All other commercial development shall be permitted by conditional use only. Except as provided for in subsection (A)(4) of this section, all commercial structures and facilities shall be set back at least 100 feet from the OHWM unless otherwise provided for by conditional use.
3. **Rural Residential and Rural Farm-Forest.** Commercial development is prohibited, except that the alteration, modification or expansion of small resorts, camps or commercial facilities associated with a commercial marina, lawfully existing prior to the effective date of this code, may be allowed subject to the policies and regulations of this SMP.
4. **Conservancy.**
 - a. Commercial development which is of a low intensity, recreational nature and which will not significantly alter the character of the area shall be permitted in the conservancy environment subject to the policies and regulations contained in this master program. Other low intensity commercial uses may be permitted as conditional uses.
 - b. Any commercial structure permitted in a conservancy environment shall be set back at least 100 feet from the OHWM; provided, that structures which are shoreline dependent may be exempted from this provision.
5. **Natural.** Commercial development shall not be permitted in the natural environment.
6. **Aquatic.** Commercial development of a shoreline dependent nature shall be permitted in the aquatic environment subject to the policies and regulations of this code and to the regulations by environment applicable SMP to the abutting upland area. Where the proposed commercial development site abuts more than one upland environment the policies and regulations of the most restrictive abutting environment shall govern.

7. **Eastsound Urban.** Same as urban, except as provided for in the Eastsound Waterfront Access Plan (EWAP), (Resolution 29–1996) Figure 130–6, commercial structures and facilities shall adhere to the setbacks and building envelopes provided for in the waterfront access plan. All existing uses and structures subject to the EWAP are deemed conforming development because of the physical and visual access provided through the EWAP, pursuant to SJCC 18.50.100. All allowable uses listed in the village commercial designation of the Eastsound Subarea Plan are permitted within this designation, in accordance with the terms of the EWAP.
8. **Eastsound Residential.** The only commercial uses allowed within the Eastsound residential shoreline environment shall be limited to those uses listed as allowable uses in the Eastsound residential one-half and two acre district, SJCC 16.55.240(2), subject to the policies and regulations of this SMP. Other commercial uses shall be prohibited.
9. **Eastsound Marina District.** Same as urban; provided, that new commercial uses which are not water-dependent or water-related should plan for appropriate public access to the shoreline. Otherwise allowable uses are not required to grant public access as a condition of any permit approval.
10. **Eastsound Conservancy.** Same as conservancy; provided, that the use(s) proposed are also allowable uses under the adjoining upland designation(s) established in the Eastsound Subarea Plan, Chapter 16.55 SJCC.
11. **Eastsound Natural.** Same as natural.
12. **Shaw Rural.** The following uses shall be prohibited: commercial recreational facilities; commercial transient accommodations by themselves or in combination with any other commercial use; food service facilities; and transient moorage facilities.

The County park is not a commercial use. Any expansion, modification, or intensification of the County park shall be subject to the applicable provisions and permit requirements of this SMP and the Shaw Island Subarea Plan.

Commercial development not otherwise prohibited shall be permitted subject to the policies and regulations of this SMP and the Shaw Island Subarea Plan, unless otherwise provided for by conditional use. Only allowable water-dependent uses may be located within 200 feet of the OHWM unless otherwise authorized by conditional use.

13. **Shaw Rural Farm-Forest.** Same as Shaw rural.
14. **Shaw Conservancy.** Same as Shaw rural farm-forest, except that commercial structures and facilities shall be set back at least 100 feet from the OHWM except as provided for in subsection (A)(4) of this section, or unless otherwise provided for by conditional use.
15. **Shaw Natural.** Commercial development shall not be permitted in the Shaw natural environment. (Ord. 21–2002 § 6; Ord. 2–1998 Exh. B § 5.5.7)

18.50.230 Dredging.

A. Regulations.

1. Dredging may be permitted only for the following purposes and only where other alternatives are impractical;
 - a. To improve water quality or aquatic habitat;
 - b. To maintain or improve navigability or water flow;
 - c. To mitigate conditions which could endanger public safety; or
 - d. To create or improve public recreational opportunities.
2. All dredge spoils shall be deposited at spoils deposit sites which are consistent with the policies and regulations of this master program.
3. Applications for substantial development permits for dredging shall include at least the following information:
 - a. Location, size, and physical characteristics of the proposed dredging site;
 - b. Information regarding the stability of bedlands adjacent to the proposed dredging site;
 - c. Total initial spoils volume;
 - d. Location, size, capacity, and physical characteristics of the proposed spoils disposal area;
 - e. Frequency and volume of anticipated maintenance dredging; and
 - f. Plan for disposal of maintenance spoils for the life of the project or a period of 25 years, whichever is shorter.

B. Regulations by Environment.

1. **Urban.** Dredging and spoils disposal shall be permitted in the urban environment subject to the policies and regulations of this SMP.
2. **Rural, Rural Residential, and Rural Farm-Forest.** Dredging shall be permitted in these environments subject to the policies and regulations of this SMP. Spoils disposal sites

shall be permitted only if it can be shown that the disposal site will ultimately be used for an activity permitted in the affected environment.

3. **Conservancy.** Dredging within the conservancy environment shall be limited to maintenance of existing navigation channels and facilities. Spoils disposal shall be limited to existing sites designated by the Department of Natural Resources.
4. **Natural.** Dredging and spoils disposal shall be prohibited in the natural environment.
5. **Aquatic.** Dredging shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment for the abutting shoreline area. Where the proposed site abuts more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern. Spoils disposal is prohibited in the aquatic environment.
6. **Eastsound Urban and Eastsound Marina District.** Dredging shall be allowed in these environments only if the applicant demonstrates that dredging is necessary to maintain or improve public recreational facilities or to protect public safety.
7. **Eastsound Residential.** Dredging is prohibited; provided, that dredging which is necessary to establish a small boat launch ramp may be allowed if associated with a public waterfront park. Spoils disposal is prohibited.
8. **Eastsound Conservancy and Eastsound Natural.** Dredging and spoils disposal is prohibited in these environments.
9. **Shaw Rural and Shaw Rural Farm-Forest.** Same as rural.
10. **Shaw Conservancy.** Same as conservancy.
11. **Shaw Natural.** Same as natural. (Ord. 2-1998 Exh. B § 5.5.8)

18.50.240 Forest management.

A. General Regulations.

1. Any commercial logging permitted on shorelines shall comply with the regulations contained in the Washington State Forest Practices Act, Chapter 76.09 RCW; provided, that the following regulations shall also apply.
2. When a logging project involves drilling, dredging, dumping, filling, removal of sand or gravel, bulkheading, or significant construction, all or part of which would be located within 200 feet of the ordinary high water mark, a substantial development permit is required.

3. A logging project which includes construction of roads, bridges, trails, or loading facilities would potentially require a substantial development permit if it involves any of the activities noted in subsection (A)(2) of this section.
4. No more than 30 percent of merchantable timber may be harvested within 200 feet of ordinary high tide within any 10-year period. Harvesting shall not be allowed within 75 feet of the OHWM; provided, that merchantable timber within this protected area may be included in the 30 percent calculation for the shoreline area. Clearcutting on shorelines shall not be permitted unless specifically allowed by an approved Class IV General forest practices permit.
5. All roads and trails must be fitted to the existing topography so that the need to alter natural features will be minimized. Steep or unstable areas, regulated wetlands, and natural drainageways must be avoided.
6. All road surfaces must be constructed to the minimum width required to accommodate the anticipated use.
7. Unnecessary road construction and drainageway crossings must be minimized by making all possible use of existing roads. Where roads pass through land in another ownership, but would otherwise adequately serve the proposed operation, the applicant must attempt to secure the right to use the existing road before proposing the construction of a new road.
8. Road cuts and fills must be balanced or waste or borrow areas must be located where erosion will not present a problem. Cuts and fills must be constructed at or below the normal angle of repose for the material being cut or used for fill. Fill slopes must not obstruct drainageways and shall be properly compacted.
9. Where culverts must be installed, they shall be adequate in size and design to carry the anticipated peak flow and shall be kept free of obstructions.
10. Road drainage, regardless of the method of collection, must be directed onto the forest or woodlot floor in a manner which will permit the accumulated sediment to settle and be deposited before the water reaches any marine or freshwater body.
11. Drainageways must be cleared of all debris generated during road construction or maintenance which might interfere with normal drainage or adversely affect water quality.
12. Road construction must be undertaken during that portion of the year when soil erosion does not pose a serious problem. When this is not

- practical, acceptable measures for the prevention of erosion shall be taken.
13. Roads must be maintained sufficiently to ensure the proper functioning of the drainage system throughout the active use of the road. When active use is to be discontinued, the road shall be left in a condition which will provide for adequate drainage and soil stability without continuous active maintenance.
 14. Within study areas one through 12 of the San Juan County Inventory of Natural Areas, forest practices not exempted from the Shoreline Management Act under Chapter 76.09 RCW may be permitted only as conditional uses.
 15. Soil stabilization and water quality maintenance along seasonal waterways and other significant drainageways must be provided for by leaving buffer strips of ground vegetation and nonmerchantable timber along such watercourses. Where insufficient nonmerchantable timber exists to maintain an effective buffer zone, an adequate fringe of merchantable timber must be left undisturbed. Where it is impractical to leave buffer strips of either merchantable or nonmerchantable timber along watercourses, a plan to reestablish adequate cover must be approved by the County.
 16. Logging and log dumping is not permitted on or immediately above feeder bluffs.
 17. Trees shall be felled, bucked, and limbed so that no part of any tree shall be deposited into or across any watercourse. If any timber or debris should enter the watercourse as a result of the logging activity, it shall be removed immediately in a manner which will disturb the watercourse as little as possible.
 18. Tractor skids must be located carefully and drained adequately so that sediment will be kept out of watercourses and water bodies. Tractor yarding is prohibited on unstable slopes and on slopes in excess of 30 percent. Cable yarding through watercourses is prohibited.
 19. Timber harvesting is prohibited on slopes where significant erosion and sedimentation would be precipitated unless a plan for adequate and prompt erosion control and restoration is approved by the County.
 20. All nonorganic waste materials resulting from the logging operations, such as grease and oil containers, and machine parts, must be disposed of in a proper off-site location immediately following termination of the harvesting operations. At no time may such waste materials be disposed of in watercourses or water bodies.
 21. Conversion option harvest plan (COHP) forest practices are not permitted in the shoreline.
 22. Timber harvest in areas of exposed bedrock along shorelines, and in other areas of high visual value and sensitivity, as identified in the Open Space and Conservation Plan or SJCC 18.30.110, shall be avoided where possible.
- B. Regulations by Environment.**
1. **Urban.** Forest management practices shall be permitted in the urban environment only as a conditional use.
 2. **Rural and Rural Residential.** Same as urban.
 3. **Rural Farm-Forest.** Forest management practices shall be permitted in the rural environments subject to the policies and regulations contained in this SMP.
 4. **Conservancy.** Same as rural farm-forest.
 5. **Natural.** Forest management practices are permitted in the natural environment only when no other means of control will work to control a fire, halt the spread of disease or damaging insects, or to clean up and restore an area devastated by a natural disaster such as fire, storm, disease, or insect attack. No roads may be constructed except those which are absolutely necessary to cope with the emergency situation.
 6. **Aquatic.** Forest management practices are prohibited in the aquatic environment.
 7. **Eastsound Urban, Eastsound Residential, Eastsound Marina District and Eastsound Conservancy.** Same as urban.
 8. **Eastsound Natural.** Same as natural.
 9. **Shaw Rural, Shaw Rural Farm-Forest and Shaw Conservancy.** Same as rural farm-forest unless otherwise specified in the Shaw Island Subarea Plan.
 10. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.9)

18.50.250 Industrial development.

A. General Regulations.

1. Non-water-oriented industry is prohibited in all environments.
2. Proposed industrial developments must be consistent with any applicable comprehensive waterfront or subarea plans.
3. Only water-dependent and water-related industries are permitted within the shoreline jurisdiction. They must be consistent with or compatible with existing use of neighboring shoreline areas.
4. Accessory development which does not require a shoreline location must be located upland of the

water-dependent portions of the development and setback from the OHWM. This category of development includes parking, warehousing, open air storage, waste storage and treatment, storm runoff control facilities, utilities, and land transportation.

5. Existing industrial development on shorelines which is neither water-dependent nor water-related may be permitted as a conditional use to expand inland from existing structures but not parallel to or waterward of the OHWM. Waterward expansion of existing non-water-oriented industry is prohibited.
6. Water-dependent industry must be located and designed to minimize the need for initial or continual dredging, filling, dredge material disposal, and other harbor and channel maintenance activities.
7. Storage or disposal of industrial wastes is prohibited within the shoreline jurisdiction.
8. At new or expanded industrial developments, the best available facilities practices and procedures must be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water. Optimum means must be employed for prompt and effective clean-up of any spills that occur.
9. All exterior lighting must be designed and operated to minimize glare impacts to nearby properties and local traffic.
10. The use of County shorelines for the processing of oil or for the handling of oil and oil products for other than local consumption shall be prohibited.
11. The installation of underwater cross-sound oil pipelines and over-water facilities for the refining of oil shall be prohibited.

B. Regulations by Environment.

1. **Urban.** Water-dependent and water-related industrial uses may be permitted in the urban environment, subject to the policies and regulations contained in this SMP.
2. **Rural.** Water-dependent and water-related industrial uses may be permitted as conditional uses in the rural environment, subject to the policies and regulations contained in this SMP.
3. **Rural Residential, Conservancy and Natural.** Industrial uses are prohibited in these environments.
4. **Rural Farm-Forest.** Industrial uses other than water-dependent and water related uses directly related to the commercial fishing industry are prohibited in the rural farm-forest environment.

5. **Aquatic.** Industrial uses are prohibited in the aquatic environment except those uses that are water-dependent, subject to the policies and regulations of this SMP and to the regulations by environment applicable to the abutting shoreline area. Where the proposed development would abut more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.
6. **Eastsound Urban.** Industrial uses are prohibited in the Eastsound urban environment.
7. **Eastsound Residential, Eastsound Conservancy, and Eastsound Natural.** Industrial uses are prohibited in these environments.
8. **Eastsound Marina District.** Marine fueling facilities and sewage pump-out facilities may be allowed. All other industrial uses are prohibited.
9. **Shaw Rural and Shaw Rural Farm-Forest.** Industrial uses shall be allowed subject to the policies and regulations of this SMP and to the provisions of the Shaw Island Subarea Plan.
10. **Shaw Conservancy and Shaw Natural.** Industrial uses shall be prohibited in these environments. (Ord. 2-1998 Exh. B § 5.5.10)

18.50.260 Institutional development.

A. General Regulations.

1. Applications for institutional development must include a detailed statement explaining the nature and intensity of the water dependency or orientation of the proposed activity. Such statement shall include at least the following:
 - a. Nature of the institutional activity;
 - b. Need for shoreline frontage;
 - c. Proposed measures to enhance the relationship of the activity to the shoreline; and
 - d. Proposed provision for public visual or physical access to the shoreline.
2. Proposed institutional developments shall be consistent with any applicable comprehensive waterfront or subarea plans.
3. Only water-dependent and water-related institutional development shall be permitted within shoreline jurisdiction. They shall be consistent or compatible with existing use of neighboring shoreline areas.
4. Accessory development which does not require a shoreline location must be located upland of the water-dependent portions of the development and setback from the OHWM. This category includes parking, storage, waste storage and treatment, storm runoff control facilities, utilities

and land transportation.

5. Existing institutional development on shorelines which is neither water-dependent nor water-related may be permitted as a conditional use to expand inland from existing structures but not parallel to or waterward of the OHWM. Waterward expansion of existing non-water-oriented institutions is prohibited.

B. Regulations by Environment.

1. **Urban.** Institutional uses shall be allowed in the urban environment, subject to the policies and regulations contained in this SMP.
2. **Rural.** Institutional uses shall be allowed in the rural environment, subject to the policies and regulations contained in this SMP.
3. **Rural Residential.** Institutional uses are prohibited in the rural residential environment.
4. **Rural Farm-Forest.** Institutional uses are prohibited in the rural farm-forest environment.
5. **Conservancy.** Institutional uses shall be allowed as conditional uses in the conservancy environment, subject to the policies and regulations contained in this SMP.
6. **Natural.** Institutional uses are prohibited in the natural environment.
7. **Aquatic.** Institutional uses are prohibited in the aquatic environment, unless the use is water-dependent.
8. **All Eastsound Environments.** Institutional uses are prohibited in all Eastsound environments unless the use in question is listed as an allowable use for the adjoining uplands. Uses so allowed are subject to the policies and regulations contained in this SMP.
9. **Shaw Rural and Shaw Rural Farm-Forest.** Institutional uses are allowed in these environments subject to the policies and regulations of this SMP and the provisions of the Shaw Island Subarea Plan.
10. **Shaw Conservancy and Shaw Natural.** Institutional uses are prohibited in these environments. (Ord. 2-1998 Exh. B § 5.5.11)

18.50.270 Landfills and solid waste disposal.

A. Regulations.

1. Landfills may be permitted only as conditional uses.
2. The perimeters of all landfills shall include some means to control erosion and contain sediment, such as vegetation or retaining walls.
3. Shoreline areas shall not be considered for sanitary landfills or for the disposal of solid waste.

4. Applications for substantial development permits which include landfilling shall include at least the following information:
 - a. Source of landfill material;
 - b. Physical characteristics of landfill material;
 - c. Proposed methods of placement and compaction;
 - d. Proposed surfacing material;
 - e. Proposed method(s) of perimeter erosion control; and
 - f. Proposed use of filled area.

B. Regulations by Environment.

1. **Urban, Rural, Rural Residential and Rural Farm-Forest.** Landfills shall be allowed in these environments subject to the policies and regulations of this SMP; provided, that landfills shall not be permitted below the OHWM; and provided further, landfills shall not be permitted for the sole purpose of creating additional land area.
2. **Conservancy.** Same as urban; provided, that landfills shall not be permitted on natural (as opposed to manmade, privately owned) lakes; and provided further, that retaining walls shall not be used as an erosion control device on permitted landfills.
3. **Natural.** Landfills are prohibited in the natural environment.
4. **Aquatic.** Landfills shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and subject to the regulations by environment for the abutting shoreline environment. Where a proposed landfill site abuts more than one shoreline environment the provisions of the more restrictive environment shall govern.
5. **Eastsound Urban, Eastsound Residential, and Eastsound Marina District.** Same as urban.
6. **Eastsound Conservancy and Eastsound Natural.** Landfills are prohibited in these environments.
7. **Shaw Rural and Shaw Rural Farm-Forest.** Same as urban.
8. **Shaw Conservancy and Shaw Natural.** Landfills are prohibited in these environments. (Ord. 2-1998 Exh. B § 5.5.12)

18.50.280 Log transfer sites and facilities and log storage.

A. Regulations.

1. Dry land log storage shall be preferred over water storage unless the applicant demonstrates that in-water storage will be less detrimental to

- the natural environment.
2. Unpaved areas which have seasonal high water tables (less than three feet below ground surface) or poor surface drainage shall not be used for log storage during the wet season unless specifically authorized by the administrator following investigation of the site.
 3. Log storage is not permitted in public waters where state and federal quality standards cannot be met at all times, nor where such storage would constitute a significant hindrance to other legitimate water uses such as small craft navigation.
 4. In conformance with Washington Department of Natural Resources (WDNR) established policy, log rafting, transfer, and storage areas on leased public tidelands shall be used cooperatively and jointly by loggers and not exclusively by the leaseholder.
 5. In conformance with WDNR established policy, ("Special Provisions for Booming and Rafting Leases," 17-2-72) easy-let-down devices shall be preferred over the free dumping of logs into the water. However, in no event shall the free-fall dumping of logs be permitted in a manner which would do unnecessary damage to the shoreline life forms.
 6. Effective bark and wood debris controls and collection and disposal methods must be employed at log storage and raft construction areas for both floating and sinking particles.
 7. Drainage and surface runoff from log storage areas must be controlled so that pollutants, including bark and other wood debris, will not be carried into water bodies.
 8. Dikes, drains, vegetated buffer strips, or other means shall be used to ensure that surface runoff is collected and discharged from the storage area at one point. It must be demonstrated that state water quality standards or criteria will not be violated by such runoff discharge under any conditions of flow in nearby water courses. If such demonstration is not possible, treatment facilities for runoff shall be provided meeting state and federal standards.
 9. Where water depths will permit the floating of bundled logs, they must be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at millsites.
 10. Log transfer facilities will not be approved until:
 - a. It can be shown by the applicant that existing facilities are not adequate or feasible for use;
 - b. Alternative access is not adequate or feasible;
 - c. The feasibility and determination of demand for a multiple-user facility has been thoroughly investigated; and
 - d. The applicant has the burden of providing the information requested for subsections (A)(10)(a) through (c) of this section, and must provide this information in a manner prescribed by the administrator.
11. The development of a facility for log transfer, or the use of an unimproved shoreline area for a log transfer site, shall be subject to conditional use.
 12. Proposals for commercial timber harvest on islands not served by Washington State Ferries shall identify all sites that are proposed for the transfer of logs off of the islands. A shoreline conditional use permit is required for each log transfer site; however, the ongoing use of a legally operating, single transfer site on a given non-ferry-served island shall not require a separate shoreline permit for each user.
- B. Regulations by Environment.**
1. **Urban.** Log handling and storage facilities and log transfer sites and facilities shall be permitted in the urban environment subject to the policies and regulations of this SMP.
 2. **Rural and Rural Residential.** Log handling and storage facilities and log transfer sites and facilities shall be allowed only on non-ferry-served islands and if the site will serve multiple users on the island affected, subject to the policies and regulations of this SMP.
 3. **Rural Farm-Forest.** Same as urban.
 4. **Conservancy.** Log handling, dry storage, and wet storage facilities may be allowed in the conservancy environment only on non-ferry-served islands and if the site will serve multiple users on the island affected, and the applicant demonstrates that conservancy shoreline resources will not be materially harmed.
 5. **Natural.** Log handling, dry storage, and wet storage facilities, and log transfer sites and facilities, shall be prohibited in the natural environment.
 6. **Aquatic.** Wet storage and log transfer sites and facilities shall be allowed in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment for the abutting shoreline environment. If a proposed site or facility would abut more than one abutting shoreline environment the more restrictive regulations shall govern.
 7. **All Eastsound Environments.** Same as natural.

8. **Shaw Rural and Shaw Rural Farm-Forest.** Same as urban.
9. **Shaw Conservancy.** Same as conservancy.
10. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.13)

18.50.290 Mineral extraction.

A. General Regulations.

1. Applications for substantial development permits for mineral extraction must be accompanied by a report prepared by a competent professional geologist which must include at least the following information:
 - a. Types of materials present on the site;
 - b. Quantity and quality of each material;
 - c. Lateral extent of mineral deposit(s);
 - d. Depth of mineral deposit(s); and
 - e. Depth of overburden.
2. All mineral extraction must be performed in full compliance with the Washington State Surface Mining Act (Chapter 78.44 RCW), except where such compliance would, in the opinion of the administrator, result in adverse impacts on the shore process corridor and its operating systems.
3. The extraction of minerals from any marine beach or feeder bluff or any lake beach for any commercial or industrial purpose is not permitted.
4. The extraction of minerals from any marine or lake beach for noncommercial, nonindustrial purposes is strongly discouraged and must be prohibited if necessary to protect natural resources or systems.
5. Topsoil or other overburden having value for agriculture or other beneficial uses must not be removed or disposed of in a manner which will reduce its value or prevent its future use.
6. All mineral extraction operations must employ buffer zones, erosion and sedimentation control measures, and other suitable precautionary measures to protect the shoreline from adverse impacts resulting from the operations.
7. Each application for a substantial development permit for mineral extraction must be accompanied by a detailed reclamation plan. The plan must indicate the approximate dates on which the reclamation effort is to be initiated and completed and must show that the site is to be reclaimed for a use which is permitted by this master program on the subject site. In all cases the reclamation program will be initiated within 60 days following the completion of the extraction operations.

8. The extraction of minerals in or under San Juan County waters shall be undertaken only with the approval of the appropriate state and federal regulatory agencies and, where applicable, only in compliance with the provisions of this SMP.

B. Regulations by Environment.

1. **Urban.** Mineral extraction may be permitted in the urban environment subject to the policies and regulations contained in this SMP if potential adverse impacts on the human environment can be adequately controlled or mitigated.
2. **Rural.** Mineral extraction is permitted in the rural environment subject to the policies and regulations contained in this section. A 50-foot buffer of undisturbed soil and vegetation must be maintained between the extraction site (including all accessory developments) and adjacent properties, water bodies, and wetlands.
3. **Rural Residential.** Mineral extraction is prohibited in the rural residential environment.
4. **Rural Farm-Forest.** Mineral extraction is prohibited in the rural farm-forest environment.
5. **Conservancy.** Mineral extraction is prohibited in the conservancy environment.
6. **Natural.** Mineral extraction is prohibited in the natural environment.
7. **Aquatic.** Mineral extraction shall not be permitted in the aquatic environment.
8. **All Eastsound Environments.** Mineral extraction is prohibited in all Eastsound environments.
9. **Shaw Rural.** Same as rural.
10. **Shaw Rural Farm-Forest.** Same as rural farm-forest.
11. **Shaw Conservancy and Shaw Natural.** Mineral extraction is prohibited in these environments. (Ord. 2–1998 Exh. B § 5.5.14)

18.50.300 Pedestrian beach access structures.

A “beach access structure” is a set of steps or stairs or a ramp used to provide pedestrian access to the beach. A beach access structure is a normal appurtenance to single-family residence in San Juan County. Beach access structures are only defined as an exempt development under limited circumstances, pursuant to SJCC 18.50.020. All nonexempt beach access structures require a shoreline substantial development permit and must meet all of the general regulations for beach access structures.

A. Regulations.

1. Every application for a substantial development permit for a nonexempt beach access structure shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential impacts on bank stability,

the extent of vegetation removal, visual impacts, and structural stability.

2. Beach access structures which can reasonably be expected to interfere with the normal erosion accretion process associated with feeder bluffs shall not be permitted. All beach access structures must comply with the bank stability requirements of SJCC 18.50.330(B)(2).
3. Beach access structures shall not be located below the ordinary high water mark (OHWM) unless connected to an exempt or permitted structure.

B. Regulations by Environment.

1. **Urban.** Beach access structures shall be permitted in the urban environment subject to the policies and general regulations contained in this master program.
2. **Rural and Rural Residential.** Same as urban.
3. **Rural Farm-Forest.** Same as urban.
4. **Conservancy.** Same as urban.
5. **Natural.** Beach access structures shall not be permitted in the natural environment.
6. **Aquatic.** Beach access structures shall not be permitted in the aquatic environment.
7. **Eastsound Urban.** Beach access structures shall be allowed only in accordance with public beach access or moorage facility provisions specified in an adopted public access plan for this environment. Until such a plan is adopted, the regulations for the urban environment shall apply.
8. **Eastsound Residential, Eastsound Conservancy and Eastsound Marina District.** Same as urban.
9. **Eastsound Natural District.** Same as natural.
10. **Shaw Rural, Shaw Rural Farm-Forest and Shaw Conservancy.** Same as urban.
11. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.15)

18.50.310 Ports and water-related port facilities.

A. General Regulations.

1. All proposed port development activities shall be consistent with an adopted comprehensive port development plan.
2. Industrial enterprises which are not water-dependent are not permitted to locate within any marine port area. Industrial enterprises within marine port areas which are not water-related are not permitted to locate within 200 feet of any shoreline.
3. Utilities, roads, parking areas, docks, and other facilities which are installed or constructed to

serve ports will be subject to the appropriate sections of this master program.

4. Opportunities for public visual or physical access to port areas must be maximized; provided, that such access will not significantly interfere with port operations or endanger public health or safety.

B. Regulations by Environment.

1. **Urban.** Ports and water-dependent or water-related port facilities may be permitted as conditional uses in the urban environment, subject to the policies and regulations contained in this SMP.
2. **Rural.** Ports and water-dependent or water-related port facilities directly related to the commercial fishing industry are permitted in the rural environment, subject to the policies and regulations contained in this SMP. Other water-dependent or water-related port facilities may be permitted as a conditional use.
3. **Rural Residential.** Ports and water-dependent or water-related port facilities are prohibited in the rural residential environment.
4. **Rural Farm-Forest.** Ports and water-dependent or water-related port facilities directly related to the commercial fishing industry are permitted in the rural farm-forest environment, subject to the policies and regulations contained in this SMP. Other port uses are prohibited.
5. **Conservancy.** Ports and water-dependent or water-related port facilities are prohibited in the conservancy environment.
6. **Natural.** Ports and water-dependent or water-related port facilities are prohibited in the natural environment.
7. **Aquatic.** Ports and water-dependent or water-related port facilities are permitted in the aquatic environment, subject to the policies and regulations contained in this master program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed port or water-dependent or water-related facility would abut more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.
8. **Eastsound Urban.** Port facilities are allowed only if public access is provided and if proposed port development is in accordance with a port development plan adopted as a part of this master program. Log dumping and storage, seaplane bases, marine fueling stations, sewage pump-out facilities, and industrial uses are prohibited.

9. **Eastsound Residential, Eastsound Conservancy, Eastsound Marina District, and Eastsound Natural.** Ports are prohibited.
10. **All Shaw Island Environments.** Ports and port facilities are prohibited. (Ord. 2-1998 Exh. B § 5.5.16)

18.50.320 Recreation.

A. General Regulations.

1. Recreational areas shall be designed to take optimum advantage of and to enhance the natural character of the shoreline area.
2. Parking areas associated with shoreline recreational areas must be (a) located inland away from the water and beaches, (b) designed to control surface runoff, (c) prevent the pollution of water bodies, and (d) subject to the provisions of SJCC 18.50.090, Parking, and SJCC 18.50.340, Transportation facilities. Safe access from parking areas to recreational areas shall be provided by means of walkways or other suitable facilities.
3. Land vehicles are prohibited on beaches, dunes, or fragile shoreline areas except as necessary for official maintenance activities for the protection of the public health or safety, or for the launching of boats at permitted marine railways and boat launches.
4. Intensive recreational development, including overnight camping areas and recreational vehicle or trailer parks, shall be permitted only where water supply, sewage, and solid waste disposal can be provided to meet public health regulations without adversely affecting the natural resources and features of the area.
5. Drainage and surface runoff from recreational areas shall be controlled so that pollutants will not be carried into water bodies.
6. Recreational facilities which normally require the use of large quantities of chemical fertilizers and herbicides, such as golf courses and playing fields, shall not be located on shoreline areas unless adequate provisions can be made for the protection of water areas from drainage and surface runoff.
7. Structures shall be set back a safe distance behind the tops of feeder bluffs.

B. Regulations by Environment.

1. **Urban.** Recreational uses shall be permitted in the urban environment, subject to the policies and regulations contained in this SMP.
2. **Rural.** Same as urban.
3. **Rural Residential and Rural Farm-Forest.** Recreational uses shall be permitted in these

environments, subject to the policies and regulations contained in this master program and, except for public parks, only if the use is designed to serve a residential subdivision or multifamily development.

4. **Conservancy.** Recreational uses of a nature and intensity consistent with the objectives of the conservancy environment shall be permitted in that environment, subject to the policies and regulations contained in this SMP.
5. **Natural.** Recreational uses of a nature and intensity consistent with the objectives of the natural environment are permitted in that environment, subject to the policies and regulations contained in this SMP. Such uses might include viewpoints and pedestrian trails. However, roads, camping areas, parking areas, restrooms, and similar facilities shall not be located within the shoreline. Golf courses, playing fields, and similar large area uses shall not be permitted. The use of chemical fertilizers, pesticides, and herbicides shall be prohibited. Landscaping, where permitted, shall consist solely of native vegetation.
6. **Aquatic.** Recreational uses shall be permitted in the aquatic environment, subject to the policies and regulations of this master program and to the regulations by environment applicable to the abutting shoreline area. Where the proposed recreational use would abut more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.
7. **Eastsound Urban, Eastsound Residential, Eastsound Conservancy, and Eastsound Natural.** Recreational use and development is limited to outdoor parks for public, passive recreational use and water access, without facilities for overnight camping.
8. **Eastsound Marina District.** Recreational use and development shall not include facilities for overnight camping.
9. **All Shaw Island Environments.** Recreational use and development shall be limited to outdoor parks for public, passive recreational use and water access, without commercial facilities for overnight camping. (Ord. 2-1998 Exh. B § 5.5.17)

18.50.330 Residential development.

- A. **Exemptions.** The SMA specifically exempts from the substantial development permit requirements the construction of a single-family residence by an owner, contract purchaser or lessee for his or her own use, or the use of his or her family. Such construction and normal appurtenant structures must otherwise

conform to this master program including any shoreline variance or conditional use permit requirements of this section. Exempt residential appurtenances are specified in SJCC 18.50.020(G).

B. Regulations – Location and Design.

1. Residential development is only permitted landward of the extreme high water mark, except as specifically allowed for houseboats, below.
2. If there is evidence that a shoreline area proposed for residential development may be unstable, as indicated by the “Coastal Zone Atlas of Washington” or similar reasonable evidence, the applicant may be required to submit a geological or geohydrological report attesting to the stability of the building site, a plan for stabilizing the area, and a plan for controlling erosion during and following construction activities. Any such plan shall be prepared by a qualified, licensed professional geotechnical engineer. However, residential structures which will require bulkheads or other shoreline fortifications at the time of construction or in the foreseeable future are prohibited. Evidence that such fortifications will be necessary to protect all or part of the development shall be grounds for denial of all or part of the proposed development.
3. Mobile home courts and parks, and subdivisions for mobile homes, shall not be permitted on shorelines unless all structures can be thoroughly screened from view from both the water and the land by means of natural cover (such as trees and shrubs).
4. Utility lines installed within subdivisions and nonexempt developments shall be placed underground and shall comply with applicable provisions of SJCC 18.50.130 and 18.50.350.
5. Drainage and surface runoff from residential areas shall be controlled so that pollutants will not be carried into water bodies.
6. In all new land divisions and multiple-unit and multifamily developments, one of the following standards shall be met:
 - a. A common area of 75 feet measured landward from the ordinary high water mark shall be established along the entire waterfront of the property to be developed, and all other common area requirements of subsection (F)(2) of this section shall also be met. A minimum of one and one-quarter acres within shoreline jurisdiction shall be provided for each unit to be located within the shoreline jurisdiction. This is not a minimum lot size, however, and shall not preclude clustering of units within the shoreline jurisdiction; or

- b. At least 20 percent of the area within the shoreline jurisdiction shall be designated as common area, and all other common area requirements shall also be met. A minimum of two acres within the shoreline jurisdiction shall be provided for each unit to be located within the shoreline jurisdiction. This is not a minimum lot size, however, and shall not preclude clustering of units within the shoreline jurisdiction.

7. In all proposed land divisions and multiple-unit and multifamily developments on shorelines the terrain, access, potential building sites, areas appropriate for common ownership, and special features of the site shall be considered in the design of the development. Allowable densities are maximum densities and are not guaranteed. The approved density shall be determined on a case-by-case basis and shall be based on considerations of topography, protection of natural resources and systems, and the intent and policies of the Shoreline Management Act, the State Environmental Policy Act, the Comprehensive Plan, this code, and this Shoreline Master Program.

The allowed density may be reduced below the maximum if SEPA analysis or other evaluation of the site or area-wide conditions demonstrates that adverse effects of development at the maximum density can be mitigated or avoided by a reduction to the approved density, and no appropriate alternative means of mitigation is available.

8. Land clearing, grading, filling, or alteration of wetlands, natural drainage, and topography for residential construction shall be limited to the area necessary for driveways, buildings, and view and solar access corridors. Cleared surfaces not to be covered with gravel or impervious surfaces shall be replanted promptly with native or compatible plants (*i.e.*, groundcovers or other plant materials adapted to site conditions which will protect against soil erosion). This applies to individual construction and shoreline subdivisions.

Existing vegetation shall be used to visually buffer structures as viewed from the shoreline, public roads, and adjoining properties. All applications for new construction and subdivisions shall indicate any trees to be removed. If trees are to be removed beyond those required to construct a single-family residence, then a tree removal plan shall also be submitted. The plan shall:

- a. Identify the proposed building areas and driveways and view and solar access corridors; and
- b. Demonstrate how existing natural screening will be retained while providing for construction, views, and sunlight.

Removal of trees smaller than three inches in diameter, as measured four feet above grade, shall not be restricted unless there is evidence that the shoreline is unstable. The removal of smaller trees, brush, and groundcover may be restricted in unstable shorelines.

9. All subdivisions and nonexempt residential developments shall have water supplies adequate so that groundwater quality and quantity are not endangered by over-pumping.
10. All new waterfront subdivisions and multifamily residential developments shall prohibit moorage facilities other than mooring buoys, but allow property owners to seek approval of joint-use moorage facilities to serve the entire subdivision or development.
11. Any parcel which constituted a legal building site prior to the adoption of this master program shall continue to constitute a legal building site regardless of the density requirements imposed by this master program. All parcels are subject to all other applicable state and County regulations.
12. Construction of a single-family residence for the use of the owner and their family is exempt from substantial development permit requirements in accordance with WAC 173-27-040(2)(g) and SJCC 18.50.020(F). Any other single-family residential construction is subject to shoreline permit requirements. For the purposes of this SMP, the owner is an individual or family; permit exemption shall not apply to a firm, partnership, association, organization, corporation, agency, or other entity. In no case shall construction of more than one single-family residence on a single parcel owned by a family be exempt from shoreline permit requirements.
13. Developments on waterfront parcels shall cover no more than 50 percent of the width of the parcel as measured across the seaward face of each building site from side lot line to side lot line. However, on lots less than 80 feet wide at the building line, structures may cover an area up to 40 feet wide as long as a minimum setback of 10 feet from side property boundaries is maintained.
14. The maximum permitted height for residential structures is 28 feet. Residential structures are permitted to exceed this height only when the roof has a minimum 6-in-12 pitch which does

not extend beyond a maximum height of 35 feet above the existing grade at the base of the structure. Any residential structure which exceeds a height of 35 feet above existing grade, as measured along a plumb line at any point, shall be permitted only as a conditional use. The applicant must demonstrate that the structure will not result in significant adverse visual impacts, nor interfere with normal, public, visual access to the water. The applicant must also demonstrate that there are compensating factors which make a taller structure desirable from the standpoint of the public interest. Artificially created grades to gain height advantages are prohibited.

15. One garage building and/or one accessory dwelling unit each of which covers no more than 1,000 square feet of land area and is no taller than 16 feet above existing grade as measured along a plumb line at any point; or a combination of these uses in a single structure no larger than 2,000 square feet which is no taller than 16 feet above existing grade as measured along a plumb line at any point; or a combination of these uses in a single structure no larger than 1,000 square feet on each floor and no taller than 28 feet above existing grade.
16. Division of land that would exceed maximum density standards may be allowed by conditional use if the following circumstances are also demonstrated by the owners:
 - a. The property is not located within a natural shoreline environment designation.
 - b. The property is occupied by existing, individually owned single-family dwelling units that exceed currently allowable maximum residential density standards and all such units are documented to have existed on the property before May 28, 1976.
 - c. All the dwelling units have been maintained on the site consistent with nonconforming use standards in WAC 173-14-055, as amended, and have not been abandoned or removed from the property since May 28, 1976.
 - d. There is no history of use or occupancy other than for residential or vacation residential purposes for the owners' personal use and that of their nonpaying guests.
 - e. There is evidence of an adequate approved water supply for each unit accepted in writing by the County sanitarian.
 - f. There is an approved septic system for each unit or there is documentation that a functioning septic system exists to serve

- each unit and that adequate drainfield reserve area exists.
 - g. The proposal is designed to allow the simultaneous transfer or division of each ownership interest in the property.
17. Any conditional use permit granted to allow transfers of individual ownerships in property owned and developed as described in subsection (B)(16) of this section shall include the following conditions, at a minimum:
- a. Conditional use permit approval shall not itself constitute a legal division or transfer of land ownership. The property owners must simultaneously effect a legal division or segregation of property attached to each residential unit, under all applicable state and County laws before any transfer of individual units may occur. Such division or segregation must be initiated within two years of the effective date of the conditional use permit.
 - b. Residential density on the property shall not exceed that expressly provided for in subsection (B)(16) of this section.
 - c. Residential use and development shall be restricted to single-family units and residential accessories only.
 - d. The entire parcel owned in common shall be restricted to prohibit a residential density in excess of that made legally nonconforming on May 28, 1976.
18. The purpose of this exception is to provide a limited period of time for relief for unusual hardship situations that may be created for unrelated individuals holding property as tenants-in-common by density reductions established in the official maps adopted during the year 2000. A complete application for division of land under this provision must be filed no later than December 31, 2002.

Division of land that would exceed maximum density standards may be allowed if all of the following are met:

- a. The parcel has been owned by the same owners as tenants-in-common since before the May 28, 1976, SMP adoption date;
- b. The parcel is not within a natural shoreline designation;
- c. A subdivision or a binding site plan application must be approved according to the standards of Chapter 18.70 SJCC, as modified in this subsection (B)(18), and condominium standards (where applicable) under state law:

- i. Residential density on the property shall not exceed that expressly allowed by this subsection (B)(18).
- ii. Each parcel thus created, including any common area created under this subsection (B)(18), shall be restricted to prohibit further division to increase the number of residential units that may be constructed on the entire parcel divided under provisions of this subsection (B)(18).
- d. Each tenant-in-common was granted a building permit prior to January 1, 1997, and has established a structure used individually for residential purposes on the parcel; and
- e. The division will create new lots only to the extent necessary to separate the ownership of the land where the existing structures occur, together with a reasonable building envelope, and retain all of the remaining parcel area in common ownership.

19. **Miscellaneous Exceptions.** The lot coverage and setback requirements of subsections (B)(13) and (D) of this section shall not apply to those parcels which are less than 0.3 acres in size, where the parcel boundaries were approved in a division of land before December 31, 1990. If the lot document approving a division of land establishes different coverage and setback standards from those in subsections (B)(13) and (D) of this section, the standards on the document approving the division of land shall control. Lot coverage and setback standards of this section may be waived by the decisionmaking body if necessary to accommodate actual development legally established on the affected property. Land division must occur according to the subdivision or short subdivision standards in the County code or by condominium standards under state law.

C. Prohibited Uses and Activities.

- 1. New residential structures and accessory structures are prohibited over water or floating on the water, except as specifically allowed in this chapter.
- 2. Subdivisions and nonexempt residential structures, including accessory uses, which will exceed the physical capabilities of the proposed site to absorb the resulting impacts shall not be approved.
- 3. Residential development within floodways, wetlands, and other hazardous (such as steep slopes and areas with unstable soils or geologic conditions) or environmentally sensitive areas

shall only be allowed subject to the regulations of the environmentally sensitive areas overlay district as specified in this code (SJCC 18.30.110 through 18.30.160).

4. The creation of landfills in water bodies or their associated wetlands for the purpose of residential development is prohibited.

D. Regulations – Setback Standards.

1. All structures shall be set back from water bodies and associated wetlands sufficiently to protect natural resources and systems from degradation.
 - a. All structures shall be set back a safe distance behind the tops of feeder bluffs, as determined by a licensed geotechnical engineer.
 - b. Every residential structure built at a beach site shall be located landward of the berm or bank, as dictated by the topography, to assure protection of the beach site.
2. Residential structures shall be located behind the treeline and set back a minimum of 50 feet from the OHWM, top of bank or berm, whichever is greater. Residential structures are also subject to the following:
 - a. Setbacks from wetlands associated with shorelines (Chapter 173–22 WAC) shall be measured from the natural edge of these features.
 - b. If there is no natural screening or if the shoreline area is cleared so as to preclude natural screening before a building permit application is approved, then a minimum setback of 100 feet from the OHWM or from the top of bank or berm, whichever is greater, will apply regardless of the environment designation.
 - c. A setback less than the minimums specified above may be authorized by the administrator only if it will result in a lesser environmental or visual impact.
 - d. If existing houses on adjoining waterfront lots are closer than the specified minimum setback, a lesser setback may be authorized by the administrator. This setback may be equal to the average setback of existing houses on adjacent lots, if the minimum setback would cause obstruction of views from the building site due to the location of existing houses and if consistent with other applicable regulations in this master program.
 - e. Nonconforming single-family residential development, made nonconforming by the above setback regulation in 1991, shall be subject to the standards contained in Chapter

173–27 WAC (Permits for Development on Shorelines of the State); provided, that:

- i. A nonconforming residence of 2,000 square feet or smaller may be expanded by an amount equal to the existing floor area of the residence as long as the resulting total floor area does not exceed 2,000 square feet, or the existing floor area may be increased by an amount not to exceed 25 percent, whichever is larger. A nonconforming residence with an existing floor area in excess of 2,000 square feet may be expanded by no more than 25 percent of the total existing floor area. In no case shall any portion of the expansion be located seaward of the most seaward point of the existing residence. For the purposes of this computation, floor area shall include all areas enclosed within the walls of the house and all attached decks and porches.
 - ii. Additions to nonconforming residences shall conform to all other applicable shoreline regulations as well as to other applicable County and state regulations.
 - iii. A nonconforming residence may be expanded incrementally if the ultimate expansion does not exceed the maximum allowable increase in floor area over that existing on the effective date of this regulation.
 - iv. For purposes of this section, “residence” shall mean the primary residential structure on the property. Accessory dwelling units and other accessory residential structures are not included.
3. Building setbacks from shorelines must be established as conditions of preliminary plat approval in all new waterfront subdivisions and short subdivisions. A plat restriction must specify the required setbacks and all building setbacks must be shown on the face of the plat. Once a building setback line is determined, removal of trees seaward of the setback line shall be expressly limited in plat restrictions. Tree removal restrictions in subsection (B)(8) of this section will also apply.

E. Regulations – Accessory Use.

1. Accessory structures which are not water-dependent shall not be permitted seaward of the most landward extent of the residence. If this regulation would result in greater adverse impacts on shoreline features or resources or would conflict with other applicable regulations

of this master program, the administrator may authorize by written findings and determination an alternative location without requiring a shoreline variance permit.

2. The following accessory uses and developments, when associated with an exempt single-family residence, are defined as “normal appurtenances” and are therefore exempt as provided in SJCC 18.50.020(F)(2)(g):
 - a. One garage building and/or one accessory dwelling unit each of which covers no more than 1,000 square feet of land area and is no taller than 16 feet above existing grade as measured along a plumb line at any point; or a combination of these uses in a single structure no larger than 2,000 square feet which is no taller than 16 feet above existing grade as measured along a plumb line at any point; or a combination of these uses in a single structure no larger than 1,000 square feet on each floor and no taller than 28 feet above existing grade. In no case shall an accessory dwelling unit exceed 1,000 square feet;
 - b. No more than two separate outbuildings no larger than 200 square feet each, no taller than 16 feet above average grade level, and not used for human habitation; provided, that in addition, one outbuilding for any other residential purpose may be substituted for an accessory dwelling unit or garage if the structures do not exceed size limits specified in subsection (E)(2)(a) of this section; and
 - c. Grading (excavation and fill) of up to the maximum cubic yardage allowed by state law (*see* WAC 173-27-040(g)) for foundations and a driveway, plus any additional grading necessary for an individual on-site sewage disposal system.
3. A shoreline substantial development permit shall be required for construction of any nonexempt accessory development on a single parcel within 200 feet of the ordinary high water mark. Construction of an accessory dwelling unit that will be used for vacation rental (short-term) or long-term rental is not exempt. Any grading in excess of the amount exempt under SJCC 18.50.020(F)(2)(g) shall be subject to substantial development permit requirements.
4. Accessory structures which are not specified in this section as normal appurtenances to a residential use shall be permitted only as conditional uses.
5. Vacation rental or transient occupancy of a single-family residence or an accessory dwelling

unit is subject to the applicable provisions of this section, the performance standards in SJCC 18.40.270 and the permit requirements specified in UDC Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040.

6. Every accessory dwelling unit in the shoreline must be located in a way that maintains the single-family appearance and shall also meet the performance standards for accessory dwelling units set forth in SJCC 18.40.240.

F. Regulations – Public/Visual Access.

1. Opportunities for physical and visual public access to the shoreline shall be considered in review of residential subdivisions and nonexempt developments. Physical public access shall be based on an adopted County public access plan.
2. Land divisions and multiple-unit or multifamily unit developments shall provide a usable shoreline common area of reasonable size for the number of dwelling units in the development. In addition to the designated common area(s), there shall be appropriate easements dedicated to provide land access to the common area(s) to all property owners within the development. In all new subdivisions, standards for care and maintenance of shoreline common areas shall appear on the face of the plat and shall be consistent with the provisions of this SMP.
 - a. If tidelands are privately owned, the area between ordinary high tide and the line of extreme low tide shall be dedicated to all property owners in the development as a part of the common area.
 - b. In locations where, as a result of topography or sensitive features of the site, such as natural marshes, swamps, or unstable, eroding bluffs, the application of this provision would not be feasible or would create a potential hazard, the administrator may authorize the designation of a different waterfront common area.

G. Houseboats.

1. **Location.** Houseboats are prohibited on state-owned aquatic land and shall be allowed only within a portion of a marina located within the shoreline jurisdiction of an activity center which has been granted shoreline substantial development permit approval for houseboat moorages. Houseboat moorage spaces shall be limited to those areas within a marina specifically identified on approved project plans for this use and the allotted area shall not exceed 10 percent of overall moorage space. The maximum square footage and height of any

houseboat unit shall be specified in the project approval and shall minimize adverse impacts on the scenic qualities of the shoreline. Individual houseboat moorages are prohibited.

2. **Standards.** Houseboat moorage proposals shall demonstrate that:
 - a. Houseboat units will be connected to an approved sanitary sewer or other approved upland waste disposal system with demonstrated capacity to serve the number of units proposed, and that greywater will also be discharged to such a system;
 - b. Houseboat units will be connected to an approved potable water supply with demonstrated capacity to serve the number of units proposed;
 - c. Materials used in the maintenance of houseboats moored at the marina will not result in contaminants or debris entering the water; and
 - d. Location of the houseboat area shall ensure that at least six feet of water depth shall be maintained at low water and that grounding at low tides will be prevented.

H. Regulations by Environment.

1. **Urban.** Residential development shall be permitted in the urban environment subject to the policies and regulations of this SMP.
2. **Rural.** Residential development shall be permitted in the rural environment subject to the policies and regulations of this SMP.
3. **Rural Residential.** Same as rural.
4. **Rural Farm-Forest.** Same as rural.
5. **Conservancy.** Residential development shall be permitted in the conservancy environment subject to the policies and regulations contained in this master program. No residential land division or other form of multiple-unit residential development shall be allowed unless conservancy values are fully recognized and protected.
6. **Natural.** Residential development shall not be permitted in the natural environment; provided, that the owner of an existing parcel of record may construct a single-family residence and appurtenant structures for his or her own use. Vacation (short-term) rental of a single-family residence or accessory dwelling unit is prohibited. Land division is prohibited. Alteration of natural topography and vegetation shall be restricted to that which is absolutely necessary for the construction of the structure(s) and access to them. Alteration of the land-water interface is prohibited.

7. **Aquatic.** Residential development, except for permitted houseboats, is prohibited in the aquatic environment.
8. **Eastsound Urban.** Same as urban. Multifamily developments shall include provisions for public shoreline access.
9. **Eastsound Residential District.** Residential development is allowed subject to this master program and the applicable provisions of the Eastsound Subarea Plan. Multifamily developments shall include provision for public shoreline access.
10. **Eastsound Marina District.** Residential development is allowed in accordance with the marina district section of the Eastsound Subarea Plan.
11. **Eastsound Conservancy.** Same as conservancy.
12. **Eastsound Natural.** Same as natural.
13. **Shaw Rural.** Same as rural, except that residential transient accommodations (vacation rental of a residence or ADU) by themselves or in combination with any commercial use shall be prohibited.
14. **Shaw Rural Farm-Forest.** Same as rural farm-forest, except that residential transient accommodations (vacation rental of a residence or ADU) by themselves or in combination with any commercial use shall be prohibited.
15. **Shaw Conservancy.** Same as conservancy, except that residential transient accommodations (vacation rental of a residence or ADU) by themselves or in combination with any commercial use shall be prohibited.
16. **Shaw Natural.** Same as natural. (Ord. 21-2002 § 6; Res. 5-2002 §§ 2, 3; Ord. 12-2000 § 2; Res. 145-1998; Ord. 2-1998 Exh. B § 5.5.18)

18.50.340 Transportation facilities.

A. Regulations – General.

1. Transportation facilities located in shoreline areas must be designed and maintained to prevent erosion and to permit the natural movement of surface water.
2. The filling of wetlands for the construction of transportation facilities is not permitted unless it can be clearly shown that no feasible alternative exists.
3. All overburden, debris, and other waste material resulting from the construction of transportation facilities shall be disposed of in a fashion which will prevent their entry into any water body.
4. Excess construction materials shall be removed from the shoreline immediately following completion of the construction project.

5. Where appropriate, provisions for pedestrian access to or along the water shall be included in the plans for all new public transportation facilities.
6. Commercial watercraft and seaplane operations at public access points require a substantial development permit.

B. Regulations – Roads (Public and Private).

1. Primary roads shall not be constructed in shoreline areas where an alternative upland alignment is feasible and practical.
2. Primary roads which must be constructed through shoreline areas shall follow the shortest, most direct route possible, consistent with protection of the physical environment and the shore process corridor and its operating systems.
3. Road alignments shall be designed to fit the topography so that alterations of the natural site conditions will be minimized.
4. Cut and fill slopes shall be stabilized and, where appropriate, planted with native vegetation.
5. Roadside brush shall be controlled by mechanical rather than chemical means.
6. Roads shall not be constructed on or seaward of a beach berm.
7. Roads shall be set back a safe distance behind the tops of feeder bluffs.
8. Drainage and surface runoff from roads and road construction or maintenance areas shall be controlled so that pollutants will not be carried into water bodies.

C. Regulations – Parking.

1. Parking areas shall not be located on shorelines unless it can be shown that the parking area is an essential accessory to a permitted use and that it could not feasibly be located on the upland site. Parking areas designed to serve ferry terminals shall be permitted on the shorelines.
2. Parking areas permitted on shorelines shall be located landward of the uses they are designed to serve, unless an alternative orientation would reduce the adverse impacts. They shall be no larger than is absolutely necessary and, where appropriate, shall be screened from view.
3. Upland parking areas serving shoreline uses shall be linked to those uses by safe, pedestrian accesses.
4. Parking is prohibited over water.
5. Parking facilities shall be designed and landscaped to minimize adverse impacts to adjacent shorelines and properties. Landscaping shall consist of native vegetation or species contained in an approved landscape plan.

Vegetation shall be planted in the planting season prior to completion of the parking area. Plantings must provide effective screening within three years of project completion and through maturity of the species.

D. Regulations – Airports, Airfields and Airstrips. Airports, airfields and airstrips are prohibited within the shoreline jurisdiction.

E. Regulations – Ferry Terminals.

1. Ferry terminals and their related parking areas shall be located, designed, and constructed to minimize their impacts on shoreline natural resources and systems.
2. Subsection (B) of this section applies to ferry terminals.

F. Regulations – County Docks.

1. County docks shall be located only on islands served by County roads.
2. Overnight moorage shall not be allowed at County docks.
3. County docks shall be designed and located to minimize impacts on the shoreline environment.

G. Regulations – Float Plane Facilities. (See the definition of “float plane” in Chapter 18.20 SJCC.)

1. Use of docks for scheduled commercial float plane service shall be allowed only in public or private marinas or established port areas and shall be subject to conditional use permit for float plane use.
2. Use of docks for regular float plane access or moorage shall be allowed only at public or private marinas or private community docks and shall be subject to a shoreline conditional use permit for float plane use.
3. Any shoreline conditional use permit for float plane use shall specify:
 - a. Taxiing patterns to be used by float planes that will minimize noise impacts on area residents and wildlife and minimize interference with navigation and moorage;
 - b. Fuel spill and oil spill clean-up materials and fire-fighting equipment commensurate with the size of the facility and use by float planes; and
 - c. Hours of the day in which float plane access is allowed.
4. Float plane access shall be prohibited at County road ends, County parks, and at freshwater shorelines at the point where public shoreline access exists.

H. Regulations – Barge Landing Sites and Facilities.

1. Barge landing sites and facilities shall not be approved until:

- a. It can be shown by the applicant that existing facilities are not adequate or feasible for use;
 - b. Alternative access is not adequate or feasible;
 - c. The feasibility and determination of demand for a multiple-user facility has been thoroughly investigated; and
 - d. The applicant shall have the burden of providing the information requested for subsections (A), (B), and (C) of this section, and shall provide this information in a manner prescribed by the administrator.
2. Barge landing sites and facilities shall be located, designed, constructed, and maintained in a manner which provides the least adverse impacts to the shoreline environment and which maximizes the opportunity to serve multiple users on a given island.
 3. The development of a facility for barge landing, or the use of an unimproved shoreline area for a barge landing site, shall be subject to conditional use.

I. Regulations by Environment.

1. **Urban.** Transportation facilities shall be permitted in the urban environment, subject to the policies and regulations contained in this master program.
2. **Rural.** Same as urban; provided, that barge landing sites and facilities shall be allowed only on non-ferry-served islands if the site will serve multiple users on the island affected, subject to the policies and regulations of this SMP.
3. **Rural Residential.** Pedestrian trails shall be permitted in the rural residential. Roads shall be permitted where no feasible alternative exists. Barge landing sites and facilities are prohibited.
4. **Rural Farm-Forest.** Same as conservancy.
5. **Conservancy.** Pedestrian trails shall be permitted in the conservancy environment. Roads and parking areas serving permitted uses shall be permitted where no feasible alternative exists; ferry terminals may be permitted as conditional uses where it can be shown that no feasible alternative exists and that the public interest clearly would be better served by construction of the facility. Barge landing sites and facilities may be allowed in the conservancy environment only on non-ferry-served islands if the site will serve multiple users on the island affected, and the applicant demonstrates that conservancy shoreline resources will not be materially harmed. Parking lots and other transportation facilities shall not be permitted.

6. **Natural.** Transportation facilities shall not be permitted in the natural environment; provided, that pedestrian or fire trails may be permitted if they would not significantly degrade the values which warrant the designation of the area as natural.
7. **Aquatic.** Transportation facilities in the aquatic environment shall be limited to terminals serving waterborne traffic and essential crossings of shorelines by land-based facilities.
8. **All Eastsound Environments.** Public streets, driveways, and pedestrian paths shall be allowed in accordance with the Eastsound Subarea Plan. Parking areas serving other uses allowed in this environment shall be allowed, subject to the policies and regulations of this master program. Other transportation facilities are allowed by conditional use.
9. **Shaw Rural.** Same as rural.
10. **Shaw Rural Farm-Forest.** Same as rural farm-forest.
11. **Shaw Conservancy.** Same as conservancy.
12. **Shaw Natural.** Same as natural. (Res. 64–2001; Ord. 10–2000; Ord. 2–1998 Exh. B § 5.5.19)

18.50.350 Utilities.

A. Regulations – General.

1. In shoreline areas, utility transmission lines, pipelines, and cables must be placed underground unless demonstrated to be infeasible. Further, such lines must utilize existing rights-of-way whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Utility development must, through coordination with government agencies, provide for compatible multiple use of sites and rights-of-way. Such uses include shoreline access points, trails, and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Sites disturbed for utility installation must be stabilized during and following construction to avoid adverse impacts from erosion.
4. Immediately following the completion of utilities installation or maintenance projects on shorelines, disturbed areas must be restored to project configurations, replanted with local vegetation, and the vegetation maintained until it is firmly established.

5. Utility lines, pipes, stations, plants, and other apparatus shall not be installed in shoreline areas unless there is no feasible alternative.
6. Utility lines shall be installed underground. Desalination intake and discharge lines shall be located underground wherever feasible, except for that portion located underneath or along any docks, piers, walkways, stairs, or other shoreline improvements located on the site.
7. Underwater cables which must cross shorelines shall be installed underground from the water line to the tree line, unless otherwise authorized by the County. The County shall authorize variances from this regulation only for good cause.
8. Where installation of utility lines, pipes, or other apparatus in shoreline areas is approved, clearing shall be confined to that which is absolutely necessary to permit the installation and to prevent interference by vegetation once the system is in operation.
9. Where utility lines, pipes, or other apparatus must cross shoreline areas, they shall do so by the route which will cause the least damage to the shoreline, both physically and visually.
10. Drainage and surface runoff from utility installation areas shall be controlled so that pollutants will not be carried into water bodies.
11. Applications for outfalls and underwater pipelines that transport substances harmful or potentially harmful to aquatic life or water quality shall not be approved unless the applicant has demonstrated that no significant adverse impacts will result. Desalination and reverse osmosis brine discharge is not considered to be potentially harmful to aquatic life or water quality provided all required state and federal requirements are met.

B. Regulations – Desalination.

1. Desalination lines must be located along existing paths, trails, or connected to existing docks and beach access structures wherever feasible.
2. Desalination and reverse osmosis systems 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 and that effects on the natural shoreline conditions will be minimized.
3. All desalination and reverse osmosis production equipment and necessary pumping equipment, utility connections, and pipelines must be located and designed to blend in with the natural surroundings to the extent feasible to reduce

visual impacts. Existing vegetation and terrain features must be used whenever possible for screening.

4. Desalination and reverse osmosis facilities must not impede public access to public tidelands or materially interfere with normal public use of public waters.
5. Desalination and reverse osmosis systems will not be allowed for the purposes of providing the primary water supply within new subdivisions and short subdivisions. Such facilities may be allowed for the purpose of supplying water for an established community water system.
6. Desalination intake and discharge lines shall be located underground wherever feasible, except for that portion located underneath or along any docks, piers, walkways, stairs, or other shoreline improvements located on the site.
7. Desalination and reverse osmosis brine discharge is not considered to be potentially harmful to aquatic life or water quality provided all required state and federal requirements are met.
8. All desalination and reverse osmosis installations shall comply with the following regulations:
 - a. The intake and discharge lines must be trenched, run, or located together except where necessary to provide adequate separation between intake and discharged water.
 - b. The intake and discharge lines must be engineered so as to not materially interfere with normal public use of public tidelands or navigation. The intake point shall not float on the surface.
 - c. Intake and discharge lines must not be placed through or over any known or discovered archaeological resources, unless the location is approved by the Washington Office of Archaeology and Historic Preservation.
 - d. The use of existing wells with salt water contamination or intrusion as the intake source for desalination or reverse osmosis systems is prohibited unless specifically authorized by the County department of health and community services.
 - e. The use of pre-filtration beach wells located landward of the line of mean lower low water is allowed provided all state and federal requirements are met.

C. Regulation by Environment.

1. **Urban.** Utility facilities shall be permitted in the urban environment subject to the policies and regulations contained in this master program.

2. **Rural, Rural Residential, and Rural Farm-Forest.** Same as urban.
3. **Conservancy.** Utility transmission, distribution, or collection facilities are permitted in the conservancy environment subject to the policies and regulations contained in this master program; provided, that the applicant can demonstrate that no feasible alternative exists, and that the utility line shall follow a route which will minimize the adverse impacts on the physical and visual resources of the area. Desalination and reverse osmosis systems shall be permitted in the conservancy environment subject to the policies and general regulations contained in this master program.
4. **Natural.** Utility facilities shall not be permitted in the natural environment; provided, that facilities which must cross the shoreline in order to cross a water body may be installed, subject to the policies and regulations contained in this master program, if no feasible alternative location exists and if the facility is installed underground. Desalination and reverse osmosis systems shall be permitted in the natural environment only for a single-family residence, subject to the policies and general regulations contained in this master program and only if serving a use allowed in the natural environment.
5. **Aquatic.** Utility transmission and collection facilities shall be permitted in the aquatic environment subject to the policies and regulations contained in this master program; provided, that no feasible alternative exists. Desalination and reverse osmosis systems shall be permitted in the aquatic environment subject to the policies and general regulations contained in this master program.
6. **Eastsound Urban.** Utility service offices and distribution facilities shall be allowed only on nonwaterfront parcels. Commercial radio, television, and telecommunications broadcast and relay towers are prohibited. No other utility development is allowed except as necessary to provide utilities to other uses allowed in this environment. Desalination and reverse osmosis systems shall be permitted in the Eastsound urban environment.
7. **Eastsound Residential, Eastsound Marina, Eastsound Conservancy, and Eastsound Natural.** Utility development necessary to serve other uses allowed in these environments shall be allowed. Other utility development shall be prohibited. Desalination and reverse osmosis systems shall be permitted in these environments.
8. **Shaw Rural.** Same as rural.
9. **Shaw Rural Farm-Forest.** Same as rural farm-forest.
10. **Shaw Conservancy.** Same as conservancy.
11. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.5.20)

Article IV. Shoreline Modification Regulations

18.50.360 General shoreline modification activities.

A. Regulations.

1. All applicable federal and state permits shall be obtained and complied with in the construction and operation of shoreline stabilization and flood protection works.
2. All new development activities shall be located and designed to prevent or minimize the need for shoreline stabilization.
3. The County shall require and utilize the following information during its review of shoreline stabilization and flood protection proposals:
 - a. Project purpose;
 - b. Hydraulic characteristics of water bodies within one-quarter mile on each side of proposed project;
 - c. Existing shoreline stabilization and flood protection devices within a quarter of a mile on each side of proposed project;
 - d. Construction material and methods;
 - e. Physical, geological and soil characteristics of the area;
 - f. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
 - g. Alternative measures (including nonstructural) which will achieve the same purpose.
4. The County shall require and utilize the following information in its review of all shoreline modification proposals:
 - a. Construction materials (*e.g.*, materials used, dimensions, design);
 - b. Method of construction (*e.g.*, source of backfill, erosion controls);
 - c. Location of project relative to toe and crest of uplands and upland structures;
 - d. Ordinary, low, and high water elevations;
 - e. Net direction of littoral drift and tidal currents (if any);

- f. General direction and speed of prevailing winds;
 - g. Profile rendition of beach and uplands;
 - h. Beach type, slope, and material;
 - i. Uplands type, slope, and material;
 - j. Soil types (SCS);
 - k. Physical or geologic-stability of uplands; and
 - l. Potential impacts upon area shore processes, adjacent properties, and upland stability.
5. Shoreline stabilization measures shall not be designed and constructed in such a manner as to result in channelization of normal stream flows.
 6. Stream channel direction modification, realignment, and straightening are prohibited unless they are essential to uses that are consistent with this SMP.
 7. Shoreline stabilization shall not be designed in a manner that will permit scouring of the beach at the toe of protective devices nor erosion on the level of the seaward beach.
 8. Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with native vegetation.
 9. Shoreline stabilization and flood protection works are prohibited in wetlands and on point and channel bars. They are also prohibited in salmon and trout spawning areas except for fish or wildlife habitat enhancement.

B. Regulations by Environment.

1. **Urban.** Shoreline modification for stabilization and flood control works shall be permitted in the urban environment subject to the policies and regulations of this SMP.
2. **Rural, Rural Residential, and Rural Farm-Forest.** Shoreline modification for stabilization and flood control works shall be permitted in the these environments subject to the policies and regulations of this SMP.
3. **Conservancy.** Shoreline modification for stabilization and flood control works shall be allowed only by conditional use within the conservancy environment.
4. **Natural.** Shoreline modification for stabilization and flood control works shall be prohibited in the natural environment.
5. **Aquatic.** Shoreline modification for stabilization and flood control works shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment for the abutting shoreline area. Where the proposed site abuts more than one

shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.

6. **Eastsound Urban and Eastsound Marina District.** Shoreline modification for stabilization and flood control works shall be allowed in these environments only as a conditional use and only if it is necessary to maintain or improve public recreational facilities or to protect public safety.
7. **Eastsound Residential.** Only those shoreline modifications for stabilization and flood control which are necessary to protect public uses may be allowed.
8. **Eastsound Conservancy and Eastsound Natural.** Shoreline modification for stabilization and flood control works are prohibited in these environments.
9. **Shaw Rural and Shaw Rural Farm-Forest.** Same as rural.
10. **Shaw Conservancy.** Same as conservancy.
11. **Shaw Natural.** Same as natural. (Ord. 2-1998 Exh. B § 5.6.1)

18.50.370 Shoreline restoration and beach enhancement.

A. Regulations.

1. Beach enhancement in all environments shall be undertaken only for restoration, enhancement, or maintenance of natural resources.
2. Beach enhancement may be permitted when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitats.
3. **Natural Beach Restoration or Enhancement.**
 - a. **Design Alternatives.** Design alternatives shall include the best available technology such as:
 - i. Gravel berms, drift sills, beach nourishment, and beach enhancement when appropriate;
 - ii. Planting vegetation, when appropriate. All plantings must be maintained. Vegetation planted to restore or enhance beaches shall be native plants suited to the habitat characteristics of the site.
 - b. **Design Criteria.** Natural beach restoration or enhancement shall not:
 - i. Detrimentally interrupt littoral drift or redirect waves, current, or sediments to other shorelines;
 - ii. Result in any exposed groin-like structures; however small “drift sill” groins may be used as a means of

- stabilizing restored sediment where part of a well planned beach restoration program;
 - iii. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
 - iv. Result in contours sufficiently steep to impede easy pedestrian passage or trap drifting sediments;
 - v. Create “additional dry land mass”; and
 - vi. Disturb significant amounts of valuable shallow water fish or wildlife habitat, unless such habitat is immediately replaced by new habitat that is comparable or better.
- c. **Natural Beach Restoration Construction Standards.**
- i. The size and/or mix of new materials to be added to a beach shall be as similar as possible to the natural beach sediment, but large enough to resist normal current, wake or wave action at the site.
 - ii. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk, or profile (but not enough to obviously create additional dry land mass).
4. All shoreline modification activities must be in support of an allowable shoreline use that is in conformance with the provisions of this master program. All shoreline modification activities not in support of a conforming shoreline use are prohibited.
 5. Beach enhancement is prohibited within spawning, nesting, or breeding habitat and also where littoral drift of the materials uses adversely effects adjacent spawning grounds or other areas of biological significance.
 6. Beach enhancement is prohibited if it interferes with the normal public use of the navigable waters of the state.

B. Regulations by Environment.

1. **Urban.** Shoreline restoration and beach enhancement shall be permitted in the urban environment subject to the policies and regulations of this SMP.
2. **Rural, Rural Residential, and Rural Farm-Forest.** Shoreline restoration and beach enhancement shall be permitted in these environments subject to the policies and regulations of this SMP.
3. **Conservancy.** Shoreline restoration and beach enhancement shall be permitted in the

conservancy environment only by conditional use and where it is demonstrated that conservancy shoreline values will be protected or enhanced.

4. **Natural.** Shoreline restoration and beach enhancement shall be prohibited in the natural environment unless the proposal is to restore natural conditions that have been degraded by conditions other than the erosion-accretion process.
5. **Aquatic.** Shoreline restoration and beach enhancement shall be permitted in the aquatic environment subject to the policies and regulations of this SMP and to the regulations by environment for the abutting shoreline area. Where the proposed site abuts more than one shoreline environment, the policies and regulations of the most restrictive abutting environment shall govern.
6. **Eastsound Urban and Eastsound Marina District.** Shoreline restoration and beach enhancement shall be allowed in these environments only as a conditional use and only if the project is necessary to maintain or improve public recreational facilities or to protect public safety.
7. **Eastsound Residential.** Shoreline restoration and beach enhancement shall be permitted subject to the policies and regulations of this SMP.
8. **Eastsound Conservancy.** Same as conservancy.
9. **Eastsound Natural.** Same as natural.
10. **Shaw Rural and Shaw Rural Farm-Forest.** Same as rural.
11. **Shaw Conservancy.** Same as conservancy.
12. **Shaw Natural.** Same as natural. (Ord. 2–1998 Exh. B § 5.6.2)

Article V. Severability and Effective Date

18.50.380 Severability.

If any provision of this master program or its application to any person, legal entity, or circumstances is held invalid, the remainder of the program and the application of said provision to any other person, legal entity, or circumstance shall not be affected. (Ord. 2–1998 Exh. B § 5.7)

18.50.390 Effective date.

This master program shall be effective immediately upon final approval and adoption by the Washington Department of Ecology as provided in RCW 90.58.090. (Ord. 2–1998 Exh. B § 5.8)