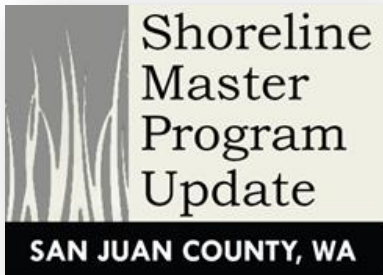


# EXHIBIT A

## COMPREHENSIVE PLAN SECTION B, ELEMENT 3



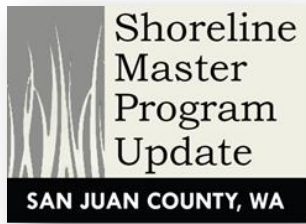
## SHORELINE MASTER PROGRAM (Goals and Policies)

April 5, 2016

~~February 2002~~

~~(Ord. 13-2001 Amendments approved by the Wash. Dept. of Ecology, 2-14-2002)~~

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



# ELEMENT 3

## SHORELINE MASTER PROGRAM

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### 3.1 INTRODUCTION

#### 3.1.A Purpose

This Shoreline Master Program (SMP) element provides goals and policies additional to those of other sections elements in of this Comprehensive Plan, and It applies to all shorelines of the state, which include; freshwater lakes 20 acres or larger; Briggs Dream, Sportsman, Trout, Zylstra, Mountain, Martin (Diamond), Cascade, Hummel, Spencer and Horseshoe, Woods reservoir, the area 200 feet landward from the Ordinary High Water Mark, and all marine water areas, and the area 200 feet landward from the Ordinary High Water Mark (OHWM). It is the intent of this SMP program to implement the Shoreline Management Act (SMA)(RCW 90.58), by manage managing the use and development of the shorelines jurisdiction of San Juan County, giving preference to water-dependent and water-related uses and to encourage encouraging shoreline development and use to occur in harmony with natural conditions. Uses that result in long-term over short-term benefits are preferred. Background information for this element can be found in Appendix 1 of the Comprehensive Plan.

This element is composed of five sections: 1) an introduction; 2) overall goals and policies, which are the foundation of the SMP Master Program and set the priorities and tone of the whole element; 3) the shoreline designations environments-section, which designates identifies and characterizes different shoreline designations; segments of the shoreline for specific uses; a section with general policies that apply to all shoreline uses and activities; 4) a section with policies that apply to specific uses of the shoreline; and, 5) the shoreline modification policies section, which applies to structural and non-structural modification activities on the shoreline.

Per Revised Code of Washington (RCW) 36.70A.480, the goals and policies of the Shoreline Management Act (SMA) as set forth in RCW 90.58.020 are included as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen combined goals of Growth Management Act and SMA.

#### 3.1.BA Relationship of this Element to the Unified Development Code

The shoreline use regulations which implement the goals and policies of this element are contained in Chapter 18.505 of the Unified Development Code (UDC). Chapter 18.505 SJCC is essentially Part 2 of the County's Shoreline Master Program SMP with this element of the Comprehensive Plan being Part 1. Except where otherwise stated, the SMP applicability is coterminous with areas shown on the Official Shoreline Master Program San Juan County Comprehensive Plan Land Use and SMP Designated Environments Map. In the event of a conflict between the provisions of the Shoreline Master Program and any other elements of the Comprehensive Plan or chapters of the UDC, the Master Program controls.

### 3.2 OVERALL GOALS AND POLICIES

This section addresses eleven (11) seven general subjects required by the SMA: Shoreline Use; Economic Development; Critical Areas; Public Access; Clearing, Grading and Vegetation Management; Recreation; Circulation; Conservation-Prevention and Mitigation of Adverse Impacts; Historic and Cultural Archaeological Resources; Shorelines of Statewide Significance; Signs; Flood Hazard Reduction and Administration.

#### 3.2.A Shoreline Use (Prior Code: 16.40.302)

Goal:

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

Policies (3.2.A.1-8):

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

3. Accommodate preferred shoreline uses (water-dependent, water-related, and water-enjoyment uses and single-family residential uses) while protecting and preserving shoreline resources and avoiding hazardous or critical sensitive areas without significant economic impact.
4. Encourage studies of ~~the physical and economic aspects of~~ shoreline systems in order to provide a continuously updated information base against which the impact of any proposed shoreline use can be measured.
5. Restrict over-water development to those uses which are water-dependent.
6. Recognize the unique suitability of certain areas to accommodate preferred shoreline uses such as marinas, docks, deep water ports, boat ramps, barge landing sites, and log dumps and other boating facilities.
7. Ensure aAll shoreline uses ~~should~~ conform to the applicable policies of this SMP Master Program and to the goals and policies of other elements in the Comprehensive Plan.
8. Ensure the location, design and operation of all developments are consistent with the purpose of the shoreline designation in which they are allowed.
- ~~9~~8. Ensure that the location, density, configuration, setback, and other aspects of all shoreline developments are appropriate to the site and vicinity and respond to the physical limitations of the site.
10. Encourage redevelopment and renewal of obsolete urban shoreline development or structures in order to make maximum use of the available shoreline resource and to accommodate future water-dependent uses.

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

#### Goals:

1. To acknowledge the critical importance of a balanced and diversified local economy for the long range well-being of the island communities and to allow those economic activities that enhance the physical and social qualities of island life which result in the least possible adverse effects to the shoreline ecological functions quality and surrounding environment.
2. To promote the long term economic viability of the County by protecting its unique rural character, scenery and ecology.
3. To encourage the development of new marine facilities and to support expansion of existing marine facilities.

#### Policies ~~(3.2.B.1-7):~~

1. Locate commercial and industrial shoreline uses in and/or near ~~in~~ already established commercial and industrial areas and prevent the random scattering of such uses and the premature location of such uses in undeveloped areas.
2. Restrict commercial and industrial development on the shorelines to developments and activities which are compatible with the natural systems of the County and its surrounding water resources.
3. ~~Prohibit major development or construction along the shoreline, other than single family residences, except where the sponsor thereof, public or private, can demonstrate overriding public necessity or public benefit. *(Prior Code 16.40.303 Policy 4)*~~
- ~~34~~4. Ensure Require that development and use of public lands conforms to the same limitations and standards imposed on development and use of private lands.
- ~~45~~5. Require anyone who seeks to establish a commercial or industrial activity within any shoreline area to bear the burden of demonstrating that the activity is water-dependent or water-related and that

upland areas are not feasible for the proposed use, and that the proposed use will be consistent with the Master Program. ~~(Prior Code 16.40.303 policy 3)~~

- 5.6 Prohibit the installation of underwater cross-Sound oil and natural gas pipelines and on-shore or over-water facilities for the refining of oil and natural gas. ; these uses are inconsistent with the protection of the island ecosystems. ~~(Prior Code 16.40.303 policy 13)~~
- 6.7. Provide for commercial and industrial uses activities within activity centers that are consistent with the underlying and adjacent land-use designations and with the policies of the Shoreline Management Act.

### **3.2.C Critical Areas**

Critical areas are areas within San Juan County that are important to the healthy function of natural ecosystems, as well as areas that can be hazardous to people and their property. Critical areas include wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas, and frequently flooded areas. In the shoreline, critical areas also include critical saltwater habitats (all kelp beds, eelgrass beds, spawning and holding areas for forage fish such as herring, smelt and sandlance; subsistence, commercial, and recreational shellfish beds; mudflats; intertidal habitats with vascular plants; as well as all areas and habitats where priority species have a primary association).

WAC 173-26-186 (8)(b) directs the County to identify, protect and ensure that there will be no net loss of ecological functions of shoreline critical areas:

#### Goals:

1. Protect the functions of shoreline critical areas, giving special consideration to anadromous (migratory) fish.
2. Protect shoreline critical area functions while allowing for the use of property to the greatest extent possible.
3. Establish shoreline critical area requirements that are balanced and related to impacts.
4. Establish funding mechanisms to support shoreline critical area protection programs including funding for voluntary measures such as education, technical assistance, and cost share programs.
5. Protect the quality and quantity of groundwater.

#### Policies:

1. To the extent possible, protect areas with unique and/or fragile geological or biological characteristics, from incompatible physical public access (e.g., wetlands, dunes, unstable bluffs, shoregrass, etc.).
2. Encourage the restoration of shorelines degraded by manmade causes or for the purpose of habitat enhancement. Restoration actions should use, where appropriate, techniques to arrest the processes of erosion and sedimentation.
3. Adopt policies and regulations that are designed to protect functions of all geologically-hazardous, frequently flooded, critical aquifer recharge, wetlands, fish and wildlife habitat conservation and critical saltwater habitat areas.
4. Develop voluntary and incentive-based programs to protect the overall functions of critical areas. Voluntary actions may include education, technical assistance, water conservation, stewardship programs, implementation of best management practices, and restoration activities. One purpose of these programs is to mitigate impacts resulting from authorized exemptions and exceptions.
5. Manage and mitigate the impacts of land use and development onsite when possible.

6. Review Land Bank and other properties for potential mitigation bank development opportunities. The review should be sufficiently detailed to identify projects, estimated costs and shoreline ecological function credit metrics.
7. To the extent possible, adopt flexible protection standards that vary based on site characteristics.
8. Encourage the installation of water catchment systems.
9. Implement applicable provisions of adopted Salmon Recovery and Marine Area Stewardship Plans, giving special consideration to anadromous fish.
10. Include provisions for shoreline variances and nonconforming uses in any regulations.
11. Regulate those uses that could potentially have a negative impact on groundwater quality.

### 3.2.C.i Critical aquifer recharge areas.

#### Goal:

Protect the quality and quantity of groundwater.

#### Policies:

1. Designate and classify those areas which have the characteristics of critical aquifer recharge areas.
2. Within critical aquifer recharge areas, regulate those uses which could potentially have a significant negative impact on groundwater quality and/or quantity. Such uses include, but are not limited to, underground hazardous materials storage tanks, facilities which use or store significant amounts of hazardous materials or wastes, large on-site sewage disposal systems, petroleum pipelines, landfills, and surface mining operations.

### 3.2.C.ii Fish and wildlife habitat conservation areas.

#### Goals:

1. To protect the ecological functions of fish and wildlife habitat conservation areas including critical saltwater habitats.
2. Within and adjacent to areas of special flood hazard, protect and restore habitat for salmon listed as endangered, threatened or sensitive.

#### Policies:

1. Designate and classify fish and wildlife habitat conservation areas in accordance with WAC 173-26-221(2) and WAC 365-190-130 based on type, State or Federal status, association with priority species, or species of local concern.
2. Establish standards including buffers, timing restrictions, and site specific habitat management plans based on the classification of the habitat area and the potential impact of a proposed use on the affected habitat.
3. Use the Washington Department of Natural Resources stream typing system.
4. Update clearing, grading and stormwater management regulations that protect water quality, water quantity, and fish and wildlife habitat from short term and long term impacts of land use and development.

### 3.2.C.iii Frequently flooded areas.

#### Goal:

Protect the public health, safety, and general welfare, and minimize public and private losses due to flooding.



Policies:

1. Protect the important hydrologic role of frequently flooded areas by designating those areas subject to frequent flooding or coastal inundation as special flood hazards. At a minimum, designate and protect the 100-year area of special flood hazard as defined and mapped by the Federal Emergency Management Agency.
2. Prevent or mitigate the impacts of development which may result in hazards to persons or property, or harm to hydrologic functions.
3. Minimize expenditures of public money for costly flood control projects and minimize the need for rescue and relief efforts associated with flooding.

3.2.C.iv Geologically hazardous areas.

Goal:

Protect the public health, safety and welfare from threats from incompatible commercial, residential, institutional or industrial development sited in geologically hazardous areas.

Policies:

1. Designate geologically hazardous areas in accordance with WAC 365-190-080(4) using maps and performance standards.
2. Designate and classify areas on which development should be prohibited, restricted, or otherwise controlled because of danger from geological hazards based on the level of hazard or risk.
3. Require that significant geological impacts resulting from development are either mitigated or avoided within geologically hazardous areas.

3.2.C.v Wetlands.

Goal:

Protect wetlands from a net loss in functions and values.

Policies:

1. Designate, classify, and regulate wetlands based on wetland functions and values.
2. Establish standards for wetland protection including use limitations and buffers based on the classification of the wetland and the potential impact of a proposed use on the wetland.
3. Establish a mitigation sequence which includes, in order of priority, avoiding, minimizing or compensating for adverse impacts to regulated wetlands and/or their buffers.
4. Delineate wetlands consistent with SJCC Chapter 18.35 and any other applicable State and Federal standards.
5. Establish methodologies which provide for compatible agricultural use of wetlands and their buffers.

**3.2.D € Public Access** *(Prior code: 16.40.304)*

Goals:

1. To assure safe, convenient and diversified access for the public along public shorelines, and to assure that the intrusions created by public access will not endanger the quality of life or property of island residents, or have adverse effects on fragile ecological functions of the shoreline's natural features of the shorelines.
2. Where appropriate, utilize public access plans developed and adopted through a subarea planning process.

Policies (3.2.D.C.1-8):

1. Provide, protect and enhance opportunities for the public to enjoy the shoreline. ~~This should be accomplished by consideration of the provision of public access by acquisition through purchase, donation, or other agreement, or by requiring the provision of public physical or visual access from uplands to the water. Public access should be considered in the review of all private and public developments (including land division) with the exception of the following:~~
  - a. ~~One and two family dwelling units; or~~
  - b. ~~Agricultural/forest/ranching activities; or~~
  - c. ~~Where deemed inappropriate due to health, safety, and environmental concerns.~~

~~Where public access is provided, the access should be designed and u~~Used public access in a manner consistent with the natural shoreline character, private property rights, and public safety.

2. Encourage public agencies to provide public access. ~~Public agencies should acquire or otherwise assure appropriate public access to public shorelines.~~
3. Recognize the natural limitations and characteristics of each island and consider resident preferences in determining public access routes and areas on each island.
4. A Utilize the public access plan for Eastsound, consistent with the Eastsound Subarea Plan, ~~has been that was~~ developed by the ~~e~~County in cooperation with waterfront property owners and was adopted as part of this Master Program for the Village Commercial waterfront.
5. Provide overland public access only to those public tidelands which abut publicly owned uplands, or where the public tidelands are separated from the private uplands by some natural barrier. Water access to public tidelands should be protected. *(Prior Code: 16.40.304, Policy 4)*
6. Public access to public shorelines should be appropriately marked. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict. *(Prior Code: 16.40.304, Policy 5)*
7. Design public access to provide for public safety and require buffers between public access areas and adjacent private property to minimize potential negative impacts to private property and individual privacy.
8. Preserve, maintain, and enhance the scenic qualities and public access afforded by shoreline-~~e~~ County road ends, public utilities and rights-of-way ~~where feasible.~~
9. Develop guidelines for the preservation and/or enhancement of scenic views and vistas.
10. Promote and develop ADA compliant public access.
11. Promote the use of County road ends to provide public access to the shoreline and to enhance the use of marine facilities.

### ~~3.2.D~~ **Circulation** *(Prior Code: 16.40.305)*

#### Goal:

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

#### Policies (3.2. ED.1-4):

1. ~~Locate land circulation systems which are not shoreline dependent as far from the shoreline as feasible to reduce conflicts with natural shoreline resources or other appropriate shoreline uses.~~
2. ~~Acquire and develop physical and visual public access along shoreline public roads, including turnouts and viewpoints, where topography, views and natural features warrant.~~
3. ~~Encourage the development of transportation alternatives to the automobile along the shoreline including bicycle, and pedestrian facilities.~~

- ~~4. Protect, manage and enhance those characteristics of shoreline public roads that are unique or have historic significance or aesthetic quality, for the benefit and enjoyment of the public.~~

### **3.2.E Clearing, Grading and Vegetation Management**

#### Goal Purpose:

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

#### Policies:

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

### **3.2.E Recreation (Prior Code: 16.40.306)**

#### Purpose: Goal:

- ~~1. To allow diverse, appropriate and adequate water related recreational opportunities, which are compatible with the environmental carrying capacity of the shoreline areas involved.~~

#### Policies (3.2. E.1-4):

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

### **3.2.F Conservation Prevention and Mitigation of Adverse Impacts (Prior Code: 16.40.307)**

#### Goals:

1. Through strict adherence to the regulations, policies, goals and permitting procedures contained in the SMP, the County ~~to~~ will assure the preservation of scenic and other non-renewable natural resources and ~~to~~ assure the conservation of renewable natural resources for the benefit of existing and future generations.
2. To achieve no net loss of shoreline ecological functions through incentives, protections, responsible development standards, and mitigation actions.

#### Policies (3.2.F.1-11):

1. Subject projects that cannot meet the critical area protections to a rigorous mitigation sequencing analysis.

2. Require sufficient mitigation to offset expected degradation of shoreline ecological functions.
3. Require shoreline development to be located, constructed and managed in a manner that is consistent with the protection of shoreline ecological functions.
- ~~14.~~ Assure the preservation, reclamation, rehabilitation Preserve, reclaim, rehabilitate, and where possible, the enhancement of enhance unusual, fragile shoreline ecological functions, and/or scenic aspects elements, and of non-renewable natural resources.
- ~~2.~~ Preserve critical marine and terrestrial wildlife habitats. These areas should include, but should not be limited to, breeding grounds, resting and feeding areas for migratory birds, nursery areas, and habitats of endangered species. Tidal marsh areas should be considered non-renewable resources and should be protected from development.
- ~~53.~~ Require that shoreline use and development minimize erosion, siltation, and interference with the natural shoreline geophysical processes. Natural, dynamic processes of shoreline formation and change should not be interfered with except for urgent reasons of public necessity or benefit.
- ~~64.~~ Require waste disposal facilities of approved design and sufficient capacity to prevent any adverse environmental impacts on water quality for shoreline uses that generate sewage or other wastes.
- ~~74.~~ Preservation of scenic views, open space and vistas should be encouraged.
- ~~5.~~ Establish regulations to address critical habitats, erosion and runoff, and maintenance of visual quality, for sustainable commercial harvesting of trees within the shoreline jurisdiction.
- ~~86.~~ Removal of flora and fauna from shorelines must be in compliance with RCW 288.20.320-324, an act relating to the establishment of a marine biological preserve in San Juan County waters. Require compliance with RCW 28B.20.320 regarding the gathering of marine biological materials from the San Juan County marine biological preserve.
- ~~97.~~ Fresh water along the shoreline should be considered freshwater along the shoreline a renewable resource of critical importance and its use should be controlled its use to prevent the intrusion or spread of salt water into vital aquifers and stream beds.
- ~~108.~~ Encourage and accept appropriate conservation easements on the shoreline.
- ~~119.~~ Recognize the importance of solar, energy and renewable wind, hydro and other energy resources and allow for them support efforts to provide or facilitate solar orientation for building sites in new land divisions subdivisions and non-exempt developments.
- ~~120.~~ Minimize vegetation removal as part of all development projects.
- ~~1310.~~ Require Commercial timber harvesting within the shoreline area to conform with the requirements of Chapter 76.09 RCW, Forest Practices. should be limited to selective harvest of no more than thirty percent of merchantable trees in any ten-year period and should not be allowed within seventy-five feet of the OHWM. Merchantable timber within this buffer area may be included in the thirty percent calculation for the shoreline area but no commercial harvest should be allowed within the buffer. Clearcutting on shorelines should be prohibited unless specifically allowed by an approved conversion option harvest plan or Class IV General forest practices permit.
- ~~141.~~ Regulate the Use of natural resources should minimize adverse impacts to natural systems and to preserving the quality of the shoreline environment.

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

Goal:

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

To recognize, protect and respect the artifacts left behind by previous generations of islanders for their intrinsic archaeological, educational, historical or scientific value.

Policies ~~(3.2.G.1-3)~~:

1. Consult with the State Office of Archaeology and Historic Preservation and professional archaeologists to identify areas containing potentially valuable archaeological resources and to establish procedures for protecting the site.
- ~~21.~~ Protect areas with ~~of officially~~ identified archaeological, historical, educational or scientific value from incompatible encroachment.
- ~~32.~~ Protect areas of potentially significant archaeological, historical, educational, or scientific value uncovered during excavation by stopping further work until they can be examined by the appropriate authorities.
- ~~43.~~ Acquire historic/archaeological resource sites, where feasible, through purchase or gift, in order to insure their protection and preservation.

### **3.2.H 4F Shorelines of Statewide Significance** *(Prior Code: 16.40.601-603; ref. RCW 90.58.020)*

Purpose Introduction:

~~The legislature has designated d, all salt water surrounding the islands of San Juan County, seaward from the line of extreme low tide, as shorelines of statewide significance in (RCW 90.58.030;(2)-(fe)(iii)). The Final G guidelines of the Shoreline Management Act establish a number of policies which are to govern the use of shorelines of statewide significance (WAC 173-26-181)16-040(5)). The intent of this section is to incorporate these policies into the Shoreline Master Program SMP to be consistent with state law. Uses which are consistent with the following policies, cited in the order of preference, should be given preference. Conversely, uses which are not generally consistent with these policies, should not be permitted on such shorelines.~~

Goal:

To ensure that new uses not generally consistent with the designated shorelines of statewide significance and the hierarchy of preference are not allowed on the shoreline.

Policies ~~(3.4.F.1-6)~~:

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

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

### **3.2.I 4.G Signs (Prior Code: 16.40.518)**

#### Introduction:

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

#### Goal:

To protect the character and scenic qualities of the County's shorelines from the adverse impacts of signage.

#### Policies (3.24.G.1-5):

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

### **3.2.J Flood Hazard Reduction**

#### Introduction:

Flood hazard areas along marine shorelines are identified on Federal Emergency Management Agency flood insurance rate maps. Routine construction practices are not considered flood hazard reduction measures. Structures such as such as dikes and seawalls are contemplated by this section.

#### Goal:

To prevent and minimize flood damages.

#### Policies:

1. To the extent feasible, support non-structural flood hazard reduction measures such as setbacks, wetlands restoration, stormwater management programs and structural relocation as preferred options.
2. Prefer non-structural flood hazard reduction measures over structural measures. When evaluating alternate flood control measures, the removal or relocation of structures in flood-prone areas should be considered.
3. Maintain the physical integrity of the shoreline by promoting the siting; design; construction and maintenance of flood control works; shoreline uses; developments and modifications to avoid geo-hydraulic shoreline processes that would cause significant damage to other properties or shoreline resources.

### **3.2.K-H Administration (Prior Code: 16.40.309)**

Goal:

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

Policies (3.2.H.1-5):

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

### **3.3 SHORELINE DESIGNATIONS ENVIRONMENTS (Prior Code: 16.40.401)**

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

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

Introduction:

The Urban Designation is intended for those areas that are developed or planned for more mixed uses. These areas may or may not be adjacent to an established activity center.

Purpose Goal:

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

Designation Criteria: Shoreline areas to be designated "Urban" should meet one (1) or more of the following criteria:

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

Management Policies:

1. Direct new urban shoreline development to already developed areas as because shorelines are a finite resource, and because urban uses tend to preclude other shoreline uses.
2. ~~Commercial and industrial U~~uses which are water-dependent should be given preference over those which are not.

3. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.
4. In addition to marine access, ~~W~~ where practical, public access points should be linked by non-motorized transportation routes, such as hiking and bicycle paths.
5. Redevelopment and renewal of substandard or obsolete urban shoreline development or structures areas should be encouraged in order to make maximum use of the available shoreline resource and to accommodate future water-dependent uses.
6. Regulate the character and appearance of shoreline developments by means of site development standards.
7. ~~Design of development in the Urban Environment should minimize adverse impacts on adjacent shoreline and upland areas.~~

Encourage the maintenance of vegetation and minimize plant removal.

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

#### Introduction: Purpose

The Rural Designation Environment is intended for residential ~~development~~ and other mixed use forms of development such as marinas, restaurants, resorts, and rural commercial and industrial activities. The Rural Designation Environment should be used where roads, utilities, and public services can be or are provided to serve a mix of uses on the shoreline.

#### Goal:

The ~~goal of the Rural Designation Environment is an area capable of accommodating~~ to accommodate residential and mixed use development, ~~in areas but which is~~ not suitable or desirable for a more restrictive rural designation.

Designation Criteria: Shoreline areas to be designated Rural should meet one (1) or more of the following criteria:

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

#### Management Policies:

1. Protect and enhance the mixed use character of the Rural Designation Environments by regulation of the type, location, scale, and timing of new shoreline development.
2. Restrict uses in the Rural Designation Environments to residential, recreational, and water-dependent or water-oriented non-residential uses which are compatible with each other and with the shoreline.
3. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.
4. In addition to marine access, ~~W~~ where possible, public access points should be linked by non-motorized transportation routes, such as hiking and bicycle paths.
5. Setback controls, sign control, and site development standards should be applied to new developments to minimize impacts on the scenic quality of the shoreline.



6. Regulate development to protect the shore process corridor and its elements.

### **3.3.C Rural Residential Designation Environment**

#### Introduction: Purpose

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

#### Goal:

The goal of the Rural Residential Designation is to accommodate areas where extensive medium density residential development already exists, but are not suitable or desirable for mixed use development.

Designation Criteria: Shoreline areas to be designated Rural Residential should meet one (1) or more of the following criteria:

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

#### Management Policies:

1. Protect and enhance the residential character by regulation of the type, location, scale, and timing of new shoreline development.
2. Restrict uses ~~in~~ to residential and recreational uses which are compatible with each other and with the shoreline.
3. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.
4. In addition to aquatic access, w where possible, public access points should be linked by non-motorized transportation routes, such as hiking and bicycle paths.
5. Setback controls, sign control, and site development standards should be applied to new developments to minimize impacts on the scenic qualities ~~quality~~ of the shoreline.

### **3.3.D Rural Farm-Forest Designation Environment**

#### Introduction: Purpose

The rural farm-forest designation is intended for residential development that is compatible with the agricultural heritage of San Juan County.

#### Goal:

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

Designation Criteria: Areas to be designated Rural Farm-Forest should meet one (1) or more of the following criteria:

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

**Management Policies:**

1. Maintain areas possessing a high capability to support small-scale agricultural, aquacultural or forestry uses.
2. Use the Rural Farm-Forest Designation Environment as one means of preserving agricultural, ~~and~~ forestry and mineral resource areas.
3. New developments in a Rural Farm-Forest Designation Environment should reflect the character of the surrounding areas by limiting residential density, by providing permanent open space and by maintaining adequate building setbacks from the water to preserve shoreline ecological functions. ~~resources.~~
4. Locate and design public and private recreational facilities so as to create minimal conflicts with agriculture and forestry.
5. Encourage agricultural, ~~and~~ forestry and mining practices which will prevent or minimize erosion, sedimentation, and the flow of waste material into the water courses.
6. Development which is not agricultural, ~~or~~ forestry or mining related but which is consistent with the purpose of the Rural Farm-Forest Designation Environment should be allowed ~~permitted~~.
7. Design, locate and manage development in the Rural Farm-Forest Designation Environment ~~to to~~ protect the shore process corridor and its elements.
8. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate.

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

Introduction: Purpose

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

Goal:

The goal of the Conservancy Designation is to protect, conserve, and manage existing natural resources and systems and/or valuable historic, educational, or scientific research areas without precluding compatible human uses.

Designation Criteria: Areas to be designated Conservancy should meet one (1) or more of the following criteria:

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

**Management Policies:**

1. Prohibit activities and uses which would substantially degrade or permanently deplete the physical, biological, or aquatic resources of the area.
2. Allow only ~~that~~ new development which will be compatible with the natural and biological limitations of the land and water and which will not require extensive alteration of the land-water interface.
3. ~~Development should be designed to protect the shore process corridor and its elements~~ Protect the shore process corridor and its elements through the location, design and management of all development.
4. Prohibit activities or uses which would cause the substantial removal of vegetation ~~ve cover~~, cause substantial erosion or sedimentation, or adversely affect aquatic life.
5. Allow residential development only at densities which will not endanger the resource which is the basis for the Conservancy designation and ensure that development design will preserve the natural character and Conservancy values of the shoreline.
6. Allow only those recreational activities and developments which are compatible with preservation of the shoreline character and with the natural forces which created and maintain the shoreline area.
7. Allow aquacultural and agricultural uses, and facilities supporting the commercial fishing industry, which are compatible with preservation of the shoreline and the resource which is the basis for the designation.
8. Public physical and visual access to the shoreline should be planned for and provided wherever appropriate, in a manner consistent with the purpose goal of the Conservancy designation.

### **3.3.F Natural Designation Environment (Prior Code 16.40.406)**

Introduction: Purpose:

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

Goal:

To preserve rare or valuable natural resource systems by regulating uses which are likely to degrade or alter such resources.

Designation Criteria: Areas to be designated Natural should meet one (1) or more of the following criteria:

- a. General:
  - ~~i.(1)~~ a Areas where human influence and development are minimal, that are ecologically intact, and that are performing functions that could be damaged by human activity;
  - ~~ii.(2)~~ a Areas which have been degraded but which are capable of easily being restored to a natural condition or are capable of natural regeneration if left undisturbed;
  - ~~iii.(3)~~ a Areas having a high scenic value in their natural states;
  - ~~iv.(4)~~ a Areas having a high value in their natural states for low intensity recreational use;
  - ~~v.(5)~~ Class I accretion beaches;
  - ~~vi.(6)~~ Salt marshes, bogs, and swamps; or
  - ~~vii.~~ Areas unable to support human development or where development would be unsafe;
- b. Wildlife Habitat Conservation areas:
  - ~~i.(1)~~ a Areas used by rare, diminished, or endangered species (as identified in the federal/state list of threatened and endangered species), from which they obtain food, water, cover, and/or protection;
  - ~~ii.(2)~~ a Areas providing a seasonal haven for concentrations of aquatic or terrestrial animals; e.g., migration routes, breeding or spawning sites, etc.; or
  - ~~iii.(3)~~ ~~Unusual and/or residual wildlife habitats remaining within developed areas;~~
- c. Areas of Scientific Value:
  - ~~i. (1)~~ a Areas regarded as representing the County's basic ecosystem or geologic types that are and valuable for scientific research and/or monitoring, including established research and/or collection areas, or areas identified by the Director of the University of Washington Friday Harbor Laboratories;
  - ~~ii.(2)~~ a Areas which deviate from the ecological or geological norms, but which are of particular scientific interest;
  - ~~iii.(3)~~ a Areas which best represent undisturbed natural conditions; or
  - ~~iv.(4)~~ a Areas which contain rare and/or scientifically important features; ~~or~~
- ~~d. Areas which Serve to Maintain Ecological Balances.~~

**Management Policies:**

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

### **3.3.G. Ports, Marinas and Marine Transportation Designation**

#### Introduction:

Ports, marinas, and marine transportation facilities are developments that provide infrastructure for launching, docking, keeping, maintaining, repairing and storing a variety of marine craft. Marinas and ports are hubs of the County's tourist industry and publically owned docks, boat launches, barge landing sites and other facilities are essential components of the County's transportation system. Ports and marinas provide moorage for a variety of vessels, helping reduce the demand for single family residential docks by providing an alternative that helps minimize cumulative negative impacts on shoreline ecological functions.

#### Goal:

To allow for and support ports, marinas, and marine transportation facilities which have a vital economic role within the County.

Designation Criteria: Areas that may be designated as Ports, Marinas and Marine Transportation may include:

- a. Existing marinas, mooring buoys, boating facilities, docks, boat ramps, ferry and barge landing sites; or
- b. Basins or bays which due to their combination of geography and infrastructure may be suitable for development as new ports, marinas or marine transportation facilities without compromising the shoreline ecological functions.

#### Policies:

1. Require that new uses are either water-dependent or water-oriented.
2. Locate, design, construct and manage all port, marina and marine transportation facilities to ensure that public access is provided where appropriate.
3. Provide links to non-motorized transportation routes such as hiking and biking paths and trails, and marine access to the extent feasible.
4. Encourage the maintenance and expansion of recreation and transportation uses.
5. Minimize adverse impacts on adjacent lands and allowed land uses.

### **3.3.HG Aquatic Designation Environment (Prior Code 16.40.407)**

#### Introduction: Purpose

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

#### Goal:

The goal of the Aquatic Designation is to protect the quality and quantity of the water, to preserve the water surfaces and foreshores for shoreline dependent uses, such as navigation, commercial fishing, recreation, water-dependent industry, aquaculture, and to preserve the Aquatic area's natural features and resources.

Designation Criteria: Areas to be designated Aquatic are as follows:

- a. ~~a~~All marine waters, including estuarine channels and wetlands, seaward of the OHWM ~~the line of ordinary high tide~~ except where those waters between the OHWM ~~ordinary high water mark~~ and extreme low tide have been assigned a different environmental designation;
- b. ~~a~~All 12 freshwater lakes 20 acres or larger

Blakely: Spencer lake, Horseshoe lake;  
Lopez: Hummel lake;  
Orcas: Cascade lake, Martin (Diamond) lake, Mountain lake;  
San Juan: Sportsman lake, Dream lake, Briggs lake, Trout lake, Woods Reservoir,  
Zylstra lake); and subject to this SMP Master Program, below the ordinary high water  
mark;

- c. ~~a~~All wetlands (as defined in WAC 173-22) associated with waters described in criteria a. and b., above.

#### Management Policies:

1. Developments should be compatible with the adjoining upland designation environment.
2. Maintain the natural circulation and volume of water to the greatest extent possible.
3. Prohibit structures which are not water-dependent.
4. Prohibit activities and uses of a permanent nature which will adversely impact ecological functions of critical aquifer recharge, geologically-hazardous, frequently flooded, wetlands, fish and wildlife habitat conservation and critical saltwater habitat areas ~~substantially degrade the existing character or habitat value of an area,~~ unless the public interest clearly will be better served by approval of the proposed activity or use.
5. Locate and design developments and activities using navigable waters or their beds to minimize interference with surface navigation, to minimize water quality impacts, to minimize adverse visual impacts, and to allow for the safe, unhindered passage of fish and animals.
6. Protect fishing, aquaculture, public access and recreational uses of the water, in appropriate areas, against competing uses that would substantially interfere with those activities.
7. The joint use of structures which intrude into Aquatic areas, such as docks, piers, jetties, breakwaters and bulkheads, etc., should be encouraged if the development is determined to be appropriate for the site and if adverse cumulative impacts can be mitigated ~~by joint use~~.
8. Limit the size of all new over the water structures to the minimum necessary to support the intended use.
9. Prohibit general motorized travel in land-based vehicles on the tidelands and beaches, provided that such travel should be allowed permitted for official emergency vehicles, for boat launchings, for purposes of undertaking authorized construction and/or authorized repair activities, and for aquaculture when specifically approved.
10. Encourage restoration projects in and adjacent to the terrestrial/marine interface to increase the variety and intensity of the shoreline ecological functions.

#### **3.3.H Subarea Environments**

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

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

###### **Purpose:**

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

###### **Designation Criteria:**

The following environment designations apply as described below:

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

Uses in the Eastsound Urban shoreline should be consistent with management policies for the Urban Environment. However, because few water dependent or water related uses are appropriate in this location, to be consistent

with the policy of the Act the shoreline adjoining the commercial center of Eastsound should be used in ways which enhance opportunities for the public use and enjoyment of this shoreline.

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

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

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

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

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

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

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

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

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

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

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

### Purpose:

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

### Designation Criteria and Management Policies:

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

a. Shaw Rural: Same as Rural.

b. Shaw Rural Farm Forest: Same as Rural Farm Forest.

c. Shaw Conservancy: Same as Conservancy.

d. Shaw Natural: Same as Natural.

### Applicability:

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

## 3. Waldron Subarea:

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

### 3.3.I Marine Habitat Management Area Overlay Environment

#### Purpose Goal:

The purpose goal of the Marine Habitat Management Area Overlay environment is to preserve and restore critical marine saltwater habitat areas and may be applied as an overlay to another shoreline environment designation. It is designed to be applied to specific water bodies only in concert with designation of the associated watershed as provided for in the Land Use Element of the Comprehensive Plan (Section B, Element 2: 2.5.E.2).

Designation Criteria: Areas to be designated a Marine Habitat Management Area should meet at least three (3) of the following criteria:

- a1. ~~a~~ Areas currently designated Aquatic, Conservancy or Natural by this Master Program;
- ~~b2.~~ ~~a~~ Areas supporting recreational and/or commercial shellfish growing;
- e3. ~~a~~ Areas representing enclosed embayments or having limited tidal flushing and therefore more sensitive to sedimentation and nonpoint pollution sources than open waters;
- d4. ~~m~~ Marine spawning and nursery areas; and
- e5. ~~a~~ Areas particularly vulnerable to probable, cumulative adverse impacts of the forms of human use and development along and in the water that may otherwise occur in accordance with this SMP Master Program.

#### Management Policies:

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

### 3.3.J Marine Protected Area Overlay Environment

#### Purpose Goal:

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

#### Current Marine Protected Areas:

The County has one (1) marine protected area. SJC Ordinance 25-2002 designated the Orcas Bay Tidelands Reserve.



Designation Criteria: Areas to be designated a Marine Protected Area should meet at least two (2) of the following criteria:

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

Management Policies:

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

### ~~3.4—General Shoreline Policies~~

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

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

~~Purpose:~~

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

~~Policies(3.4.A.1-2):~~

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

#### ~~3.4.B Clearing and Grading~~

~~Purpose:~~

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

~~Policies (3.4.B.1-2):~~

- ~~1. Limit clearing and grading to the minimum necessary to accommodate shoreline development and minimize adverse impacts to water quality and wildlife habitat by means which include but are not limited to site planning, bank stabilization and erosion, sedimentation and drainage control.~~

2. Design clearing and grading activities with the objective of maintaining density of ground coverage, and natural diversity in species, age, and vegetation.

### **3.4.C Environmental Impacts**

Purpose:

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

Policies (3.4.C.1-5):

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

### **3.4.D Environmentally Sensitive Areas**

Purpose:

Environmentally sensitive areas are those areas with especially fragile or hazardous biophysical characteristics and/or with significant environmental resources as identified by the County in the Environmentally Sensitive Area Overlay District (see Land Use Element Section 2.5.B) or by a scientifically documented inventory accomplished as part of the SEPA/NEPA process or other recognized assessment.

Environmentally sensitive areas include: Geologically Hazardous Areas; Frequently Flooded Areas; Critical Aquifer Recharge Areas; Wetlands; and Fish and Wildlife Habitat.

Policies (3.4.D.1-4):

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

### **3.4.E Parking**

Purpose:

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

Policies (3.4.E.1-4):

1. Parking should directly serve allowable shoreline uses and its design and location should be sensitive to adjacent shorelines and properties.
2. Parking facilities should be located, designed, constructed and operated to minimize adverse impacts to water quality, aesthetics, public shoreline access, vegetation, and wildlife habitat, and to minimize stormwater runoff, noise and glare.

3. Where possible, parking areas should serve more than one use (e.g., serving recreational use on weekends and commercial uses on weekdays).
4. Parking for single family residential development should be located landward of the residential building setback line unless an alternative location is demonstrated to be appropriate based on the presence of natural screening and adequate protection for water quality and bank stability.

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

Purpose:

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

Policies (3.4.F.1-6):

1. Recognize and protect the statewide interest over the local interest on shorelines of statewide significance.
2. Preserve the natural character of shorelines of statewide significance.
3. Use shorelines of statewide significance in ways which will produce long term benefits as opposed to short term benefits or conveniences in accordance with the following:
  - a. Actions that would commit resources to irreversible uses or would detrimentally alter natural conditions characteristic of such shorelines should be severely limited.
  - b. The short term economic gain or convenience associated with a proposed development should be evaluated in relationship to long term and potentially costly impairments to the natural environment.
  - c. The visual impact of every proposed project should be thoroughly evaluated and adverse impacts should be minimized.
4. Protect the natural resources and systems of shorelines of statewide significance. Areas containing unusual or fragile natural resources or systems should be left undeveloped.
5. Increase public access to publicly owned areas of shorelines of statewide significance.
6. Increase recreational opportunities for the public on shorelines of statewide significance.

#### **3.4.G Signs (Prior Code: 16.40.518)**

Purpose:

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

Policies (3.4.G.1-5):

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

### **3.45 SHORELINE USE POLICIES**

This section provides policies for specific uses to be addressed in local master programs in accordance with WAC 173-26-24116-060. Shoreline uses not specifically identified in this SMP Master Program and for which policies have not been developed will be evaluated on a case-by-case basis. Such uses will be required to satisfy the policies of the SMA Shoreline Management Act, the goals and policies of this SMP Master Program, and must be consistent with the character and management policies of the designated shoreline designation environment in which they are proposed to be located. A use not named or contemplated in this Master Program may be allowed subject to a conditional use shoreline permit and to the applicable provisions of the Master Program and WAC 173-27-160. *(Prior Code: 16.40.501)*

#### **3.45.A Agriculture *(Prior Code: 16.40.502)***

Introduction: Purpose

Agricultural practices are those methods used in vegetation and soil management, such as tilling of soil, control of weeds, control of plant diseases and insect pests, soil maintenance and fertilization. Many of these practices require the use of agricultural chemicals, most of which are water soluble and may wash into contiguous land or water areas causing significant alteration and damage to plant and animal habitats, especially those in fragile shoreline areas. Proper land management techniques reduce the introduction of mineral and organic sediments and chemicals into water bodies.

Goal:

To encourage and ensure the continuation of agricultural activities within the shoreline jurisdiction.

Policies (3.5.A.1-3):

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

#### **3.45.B Aquaculture *(Prior Code: 16.40.503)***

Introduction: Purpose

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

When consistent with the control of pollution and prevention of damage to the environment, aquaculture activities are considered a preferred priority use along with single-family residences, ports, water-dependent industrial and commercial developments, and other uses that provide an opportunity for substantial numbers of people to enjoy the shorelines of the state (WAC 173-216-241(3)(b)(i)(A) 060(2)).

Goals:

1. To ensure aquaculture does not adversely affect shoreline ecological functions and marine species and that they develop in a manner that is responsive to the needs and preferences of shoreline residents.
2. To ensure the continuation of aquaculture in the shoreline jurisdiction.

Policies (3.5.B.1-9):

1. ~~Give preference to~~ In general, those forms of aquaculture that involve lesser environmental and visual impacts ~~are preferred~~; for example, those that require no structures, submerged structures or intertidal structures rather than substantial floating aquaculture structures, those that require few land-based facilities, and those that involve little or no substrate modification.
2. Consider the impacts aquacultural development might have on the economy, physical ~~and economic~~ environments, on other existing and approved land and water uses, including navigation, and ~~on~~ the aesthetic qualities of the project area.
3. Require that the location, design and operation of aquaculture will not introduce invasive organisms or spread disease.
- ~~43. Aquaculture should not be allowed in the following areas~~ Prohibit aquaculture in the following:
  - a. Areas that have little natural potential for the type(s) of aquaculture under consideration.
  - b. Areas that have water quality problems that make the areas unsuitable for the type(s) of aquaculture under consideration.
  - ~~c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses would include but are not limited to navigation, moorage, sport or commercial fishing, log rafting, underwater utilities, and active scientific research.~~
  - ~~c.d.~~ Areas where the design or placement of the facilities would substantially degrade the aesthetic qualities of the shoreline.
  - ~~d.e.~~ Areas where navigation by recreational boaters and commercial traffic will be significantly restricted.
  - ~~e.f.~~ Areas where an aquacultural proposal will result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.
  - ~~fg.~~ Areas near National Wildlife Refuges or critical habitats (as defined by the State of Washington or San Juan County) where the proposed activity will adversely affect the refuge/habitat use or value.
- ~~54. Consider the relative environmental impacts of each method or proposal~~ In instances where a choice of aquacultural methods is available, or where two or more incompatible aquacultural projects are proposed in the same area, the relative environmental impacts of each method or proposal should be considered. In general, preference should be given to aquacultural projects methods listed in the following order of preference subsection a, below, over those listed in subsection b:
  - ~~a. Methods Projects involving no visible structures; i.e., submerged, intertidal, or floating, facilities and involving minimal substrate modification; methods involving submerged subtidal structures or facilities; methods involving intertidal structures or facilities.~~
  - ~~b. Methods involving floating structures or facilities; methods involving floating structures with artificial feeding and/or substantial substrate modification.~~
  - b. Projects involving structures with limited visibility i.e. submerged at high tide;
  - c. Projects or facilities entailing limited substrate modification; and
  - d. Projects involving large floating aquaculture structures with artificial feeding and/or substantial substrate modification
- ~~65. Minimize~~ Limit the county-wide density of net-pen and raft culture operations as necessary to minimize cumulative adverse environmental impacts of floating aquaculture facilities on native fish and shoreline ecological functions.

76. ~~Limit~~ Experimental aquaculture projects should be limited in scale and should be approved allow them for a limited period of time.
87. ~~Require~~ Baseline and operational monitoring of specific, relevant environmental conditions should be required, as necessary, at the applicant's expense, as a condition of approval. Permits should include provisions for adjustment or termination of the project at any time if the monitoring indicates significant adverse, environmental impacts that cannot be eliminated or adequately mitigated.
9. Limit aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic or pelagic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of non-native species or other adverse effects on Endangered Species Act listed species.
8. ~~New shoreline proposals in the vicinity of a limited term experimental aquacultural project should be restricted or denied if they might compromise the monitoring and data collection required under the experimental project permit. However, this should not prevent the construction on an existing legal parcel of an individual single family residence which meets all applicable county codes.~~
9. ~~All permitted aquaculture projects should be protected from damage or destruction through mitigation of new development likely to impose such impacts on the aquaculture activity. However, this should not prevent the construction on an existing legal parcel of an individual single family residence which meets all applicable county codes. (Prior Code 16.40.503, Policy 10)~~
10. Prohibit the introduction of genetically modified organisms consistent with San Juan County Code.

### **3.4.C ~~5D~~ Commercial Development (Prior Code 16.40.507)**

#### Introduction: Purpose

Commercial developments are those involving wholesale and retail trade, services, or other business activities complementing shoreline character and development. Examples include hotels, restaurants, shops, offices, commercial fishing facilities, and private or public ~~indoor~~ recreation facilities. The ~~SMA Act~~ establishes preferences for certain types of commercial uses on shorelines and location and development standards are appropriate to protect shoreline resources where commercial development occurs. Uses and activities associated with commercial development which are identified as separate use activities in this program, such as ~~campgrounds~~, ~~mineral E extraction~~, ~~industrial D development~~, ~~overwater structures~~ ~~Boating Facilities~~, ~~ports~~, ~~marinas~~ and ~~marine T transportation F facilities~~, ~~U utilities, etc.~~, are subject to use policies for those in addition to the standards for commercial development.

#### Goal:

To ensure and encourage commercial shoreline development that is consistent with the rural character of the County.

#### Policies (3-5.D.1-6):

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

4. The height and bulk of any proposed commercial structures should be designed, constructed and maintained to the extent practical, to accommodate the proposed use and to minimize the obstruction of views from the surrounding area, and consideration should be given to compatible ility with the scale and use intensity of surrounding developments.
5. Place parking facilities inland, away from the water's edge and recreational beaches, and where necessary, screen parking facilities to minimize their visual impact on shorelines, and include measures to control surface runoff and prevent pollution of nearby water bodies.
56. In applying conditions to a shoreline permit in order to ensure consistency with this SMP Master Program, recognize that different approaches can accomplish the same purpose and the most expensive is not necessarily the only effective means to obtain compliance.
6. Encourage recreational camping opportunities consistent with the SMA and shoreline ecological functions.

### **3.46.CD Dredging** (Prior Code: 16.40.509)

#### Purpose

Dredging is the removal of earth from the bottom of a stream, river, lake, bay, or other water body for the purpose of deepening a navigational channel or to obtain use of the bottom materials for landfill. A significant portion of all dredging materials are deposited either in the water or immediately adjacent to it, frequently producing water quality problems. The selection of dredge spoils disposal sites, whether aquatic or terrestrial, is critically related to the particle size of the spoils material. If the material is predominantly clay like in nature it requires very different disposal arrangements than, for instance, a sandy material. The type of spoils material also influences the dredging techniques and devices to be used.

#### Goal:

To ensure that all dredging will be completed in conformance with Army Corps of Engineers guidelines.

#### Policies (3.6.C.1-4):

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

### **3.4.E Essential Public Facilities**

#### Introduction:

San Juan County's many islands have diverse essential public facility needs requiring policies for addressing the siting and development of water-dependent essential public facilities located within the SMP jurisdiction.

#### Identification of Shoreline Essential Public Facilities:

Shoreline Essential Public Facilities (EPFs) are facilities that provide a necessary public service as their primary mission, that are water-dependent, and that are difficult to site. Shoreline EPFs such as those facilities listed in RCW 36.70A.200; facilities that appear on the list maintained by the State Office of Financial Management under RCW 36.70A.200(4); state or regional transportation facilities as defined in RCW 47.06.140; public passenger and vehicle ferry terminals; facilities identified in the following Table

3.1; County roads, docks, County boat launching, and County barge landing sites and facilities; primary electrical transmission systems including systems owned and operated by OPALCO; telecommunications services; state, federal and County parks; community water systems; those community sewage systems serving urban growth areas, activity centers and master planned resorts; the Town of Friday Harbor’s municipal sewer and water systems; the Trout Lake watershed, the Eastsound Water Users Association reverse osmosis facility located adjacent to the end of the Airport runway and other facilities that are water-dependent and determined to be a shoreline EPF under the process established in SJCC Chapter 18.50 (Ordinance New Section 63).

**Table 3.1- Shoreline essential public facilities**

<u>Island</u>	<u>Steward</u>	<u>Facility Name</u>	<u>Pier</u>	<u>Gangway &amp; Float(s)</u>	<u>Boat Ramp</u>	<u>Parking*</u>	<u>Other</u>
<u>San Juan</u>	<u>PW</u>	<u>Griffin Bay</u>					<u>barge landing site</u>
	<u>PW / Port FH</u>	<u>Jacksons Beach</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>parking lot, restrooms</u>
	<u>PW / RH</u>	<u>Roche Harbor Public Dock</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>parking per arrangement with resort</u>
	<u>PW / Parks</u>	<u>Small Pox Bay</u>			<u>x</u>	<u>x</u>	
<u>Stuart</u>	<u>PW</u>	<u>Prevost Harbor</u>	<u>x</u>	<u>x</u>			
	<u>PW</u>	<u>Reid Harbor</u>			<u>x</u>	<u>x</u>	
<u>Orcas</u>	<u>WSF</u>	<u>Orcas Ferry Terminal</u>				<u>x</u>	<u>ferry terminal, parking lot</u>
	<u>PW / DH</u>	<u>Deer Harbor Public Float</u>	<u>x</u>	<u>x</u>			<u>County leases from private resort</u>
	<u>PW</u>	<u>Madrona Point</u>	<u>x</u>	<u>x</u>		<u>x</u>	
	<u>PW</u>	<u>Obstruction Pass</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>parking lot</u>
	<u>PW</u>	<u>Orcas Landing</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>buildings, pedestrian access, viewing deck</u>
	<u>PW</u>	<u>Westsound Dock</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>pedestrian access (stairs)</u>
<u>Waldron</u>	<u>PW</u>	<u>Cowlitz Bay</u>	<u>x</u>	<u>x</u>			<u>unimproved barge landing site</u>
<u>Lopez</u>	<u>WSF</u>	<u>Lopez Ferry Terminal</u>				<u>x</u>	<u>ferry terminal, parking lot</u>
	<u>PW</u>	<u>Hunter Bay</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	
	<u>PW</u>	<u>MacKaye Harbor</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>parking lot</u>
	<u>PW</u>	<u>Odlin</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>parking lot</u>
<u>Shaw</u>	<u>WSF</u>	<u>Shaw Ferry Terminal</u>					<u>ferry terminal, parking lot</u>
	<u>Parks</u>	<u>Indian Cove</u>			<u>x</u>		
	<u>PW</u>	<u>Neck Point Cove</u>					<u>barge landing site</u>
	<u>PW</u>	<u>Shaw Landing</u>					<u>boardwalk</u>
<u>Decatur</u>	<u>PW</u>	<u>Decatur Head</u>			<u>x</u>	<u>x</u>	

PW = Public Works; Parks = County Parks & Fair; Port FH = Port of Friday Harbor;  
WSF = Washington State Ferries; RH = Roche Harbor Resort; DH = Deer Harbor Resort



\* unless otherwise noted, parking means on-street "parking area"

Goals:

1. To ensure essential public facilities may be maintained, repaired, expanded or constructed in the shoreline if necessary.
2. Develop policies and regulations that do not preclude the siting and construction of shoreline EPFs. As a general rule EPFs shall comply with existing regulations and policies. When this is not possible, or when existing facilities need to be expanded, special siting, design and approval procedures should be developed that:
  - a. Consider impacts on existing land uses, resource lands, open space, scenic resources, the shoreline, and the natural and rural designations;
  - b. Consider the quality of service provided and the economic, social and environmental impacts and benefits;
  - c. Include the public in selecting sites and developing alternatives to mitigate negative impacts;
  - d. Require EPFs to provide mitigation sequencing of negative impacts. An application for approval of an EPF conditional use permit and/or substantial development permit may not be denied because impacts are not fully mitigated; and
  - e. Prevent the siting of incompatible uses adjacent to general aviation airports.
3. Prohibit the location of EPFs within wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous or critical saltwater habitat areas unless no feasible alternative exists.
4. Prohibit the location of EPFs outside an Urban Growth Area or Village Designation unless a functional analysis justifies a rural location.
5. Adopt a designation system and associated regulations based on existing use patterns, including the use and functions of existing essential public facilities.
6. To help offset any impacts that cannot be mitigated, develop voluntary, incentive based programs to protect the overall ecological functions necessary to sustain shoreline natural resources.

Policies:

1. Provide sufficient lands to accommodate EPFs in coordination with the Town of Friday Harbor.
2. Require a functional analysis justifying a rural location should be required for siting EPFs outside the Friday Harbor Growth.
3. Avoid duplicating facilities and EPF sites when facilities and EPFs can reasonably and practicably be shared with the Town of Friday Harbor, particularly those that, by their nature, warrant a rural location.
4. Maintain a standing task force of elected and appointed officials from the Town of Friday Harbor, the County and the Port of Friday Harbor to develop specific siting criteria for a given facility and to analyze and rank potential sites that are consistent with the relevant comprehensive plans.
5. Encourage public involvement in the siting decisions by the Town and County to the greatest extent possible by holding public meetings and otherwise distributing information at the earliest possible point in the decision process, and in addition to public notices and hearings that may be required by law.

### **3.45.FE Forest Practices Management (~~Prior Code: 16.40.510~~)**

#### Introduction: Purpose

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

#### Goal:

To minimize adverse impacts associated with timber harvest and other forestry practices.

#### Policies (3.5.F.1–5):

1. Conduct all forest management practices in shoreline areas in a manner that which will minimize adverse impacts on the land and water environments, wildlife, aquatic life, and their respective habitats, and which respects the natural character of the shoreline.
2. Conduct timber harvesting practices, including the construction of roads and trails and the disposal of debris so that erosion will be prevented or held to a minimum and so that the scenic qualities of the shoreline are not degraded.
3. Regulate commercial harvesting of any shoreline timber to ensure adequate protection against erosion, sedimentation, and siltation. The aesthetic impact of commercial harvesting should be mitigated.
4. Conduct thinning and harvesting operations in a manner which will prevent the accumulation of slash and other debris in waterways or shorelines of the e County.
5. Locate, design, construct, and maintain all roads, bridges, and other structures associated with forest practices to prevent adverse impacts on shoreline resources.
6. Complete Class IV-General forest practices involving conversions of properties to non-forest use in a manner compatible with shoreline ecological functions and that avoids impacts to navigation, recreation and public access.
7. Establish regulations to address critical habitats, erosion and runoff, and maintenance of visual quality, for sustainable commercial harvesting of trees within the shoreline jurisdiction.
8. Require that commercial timber harvesting within the shoreline area be consistent with the requirements of the RCW 76.09. Prohibit clearcutting on shorelines unless specifically allowed by an approved conversion option harvest plan or Class IV General forest practices permit.

### **3.45.GF Industrial Development**

#### Introduction: Purpose

Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods. ~~Location, development and operational standards are appropriate to minimize impacts of industrial activities on shoreline resources, including water quality.~~ Uses and activities associated with industrial development that which are identified as separate use activities in this program, such as Mineral Extraction, ~~Ports and Related Facilities, Overwater Structures, Boating Facilities,~~ Transportation Facilities, Utilities, Aquaculture etc., are subject to use policies for those in addition to these policies for industrial development.

#### Goal:

Require that new industrial development does not adversely affect shoreline ecological functions or adjacent properties and land uses.

Policies (3.5.F.1-7):

1. Industrial development on the shorelines should consist of uses which are water-dependent or water-related ~~only; with preference given to water-dependent activities. Industrial uses should be that are~~ compatible with adjacent uses and adopted environmental standards; and should be located only in areas best suited for industrial development such as harbors with dry and level ~~upland~~ access to adequate road and utility systems.
2. ~~Non-water dependent industries should not be permitted to occupy waterfront sites. (Prior Code: 16.40.515, Policy 4)~~
3. Encourage the expansion or redevelopment of existing legally established industrial areas, facilities and services. Mixed-use developments are preferred over the addition and/or location of new or single-purpose industrial facilities.
34. Require joint use of industrial piers, cargo handling, storage, parking and other accessory facilities among private or public entities in ~~waterfront~~ shoreline industrial areas if such development is determined to be appropriate for the site and if adverse cumulative impacts can be mitigated by their joint use. Allow public access to the shoreline unless the ongoing industrial activities are hazardous.
5. ~~Prohibit the location of industrial development on sensitive and ecologically valuable shorelines such as natural accretion shoreforms, wetlands or wildlife habitat areas, and on shores inherently hazardous for such development, such as flood and geologically hazardous areas, including steep or unstable slopes in accordance with the Environmentally Sensitive Areas Overlay District.~~
46. Preference should be given to locating new industrial development on those parts of the shoreline where industrial development already occurs.
5. Preference should be given to locating new industrial development in areas amenable to environmental cleanup and restoration.
67. Encourage industrial uses with low demands on energy and resources.
7. Prohibit solid waste disposal activities and facilities in shoreline areas.

### **3.45.HG Institutional Development**

Introduction: Purpose

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

Goal:

To ensure that new institutional development does not adversely affect shoreline ecological functions or adjacent land uses.

Policies (3.5.G.1-7):

1. Institutional development on the shorelines should consist of uses which are water-oriented and/or uses which will provide an opportunity for substantial numbers of people to enjoy the shorelines. Institutional uses in shoreline areas should be encouraged in descending order of preference as follows:
  - a. Water-dependent uses;
  - b. Water-related uses; and
  - c. Water-enjoyment uses.

2. Prohibit non-water-oriented institutional uses. A non-water-oriented use may become a water-enjoyment use by providing meaningful physical or visual public access to the shoreline. Physical access is preferred if practical.
3. Preference should be given to locating new institutional development on those parts of the shoreline where institutional development already occurs.
4. The height and bulk of any proposed institutional structures should be designed, to the extent practical, to accommodate the proposed use and to minimize the obstruction of views from the surrounding area, and consideration should be given to compatibility with the scale and use intensity of surrounding developments.
5. ~~Prohibit the location of institutional development on sensitive and ecologically valuable shorelines such as natural accretion shoreforms, wetlands, and wildlife habitat areas, and on shores inherently hazardous for such development such as flood and geologically hazardous areas, and steep or unstable slopes in accordance with the Environmentally Sensitive Areas Overlay District.~~
6. ~~Design institutional facilities to minimize adverse impacts on other shoreline uses and on shoreline resources.~~
7. ~~Parking facilities should be placed inland, away from the water's edge and recreational beaches, and where necessary should be screened to minimize their visual impact on shorelines, and should include measures to control surface runoff and prevent pollution of nearby water bodies.~~

### **3.4.I Shoreline Land Division**

#### Introduction:

Land division is a fundamental element of shoreline development and has a profound influence over the form of subsequent construction. Over time, distinct shoreline land division practices have developed in San Juan County.

#### Goals:

1. To maximize public access and use of the publicly owned shoreline.
2. To minimize the adverse impacts associated with shoreline development and increased density.

#### Policies:

1. Provide access to the shoreline for the general public in land divisions creating five (5) or more parcels where feasible.
2. Require land divisions to provide access to the waterfront for all subsequent lot owners through recorded easement(s) or the creation of common area tracts.
3. Do not allow common area tracts to be used for construction. Do not include them in the calculation of the number of lots any single (long or short) land division process generates.
4. Design land divisions and multi-family and multiple-unit developments for a density compatible with the physical capabilities and scenic characteristics of the shoreline and water body. Unless otherwise indicated, multifamily or multi-unit developments and land divisions creating five (5) or more parcels should provide public access to the shoreline.
5. Design, configure and construct shoreline land divisions to ensure that there will be no need to build hard structural shoreline stabilization measures such as bulkheads or other hard shoreline armoring structures within seventy-five (75) years of construction

6. Do not allow the creation of unbuildable lots in shoreline land divisions except for common area tracts.
7. Design shoreline land divisions to minimize adverse impacts on the shoreline ecological functions when built out, to preserve natural features, and to reduce utility and road costs.

### **3.45.J.H Land f\_Fills and Solid Waste Disposal (Prior Code: 16.40.512)**

#### **Purpose**

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

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

#### **Goal:**

To eliminate or constrain fills within the shoreline jurisdiction.

#### **Policies (3.5.H.1-3):**

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

### **3.45.K Mineral Extraction (Prior Code: 16.40.514)**

#### **Purpose**

~~Mineral extraction is the removal of naturally occurring materials from the earth for economic use. The Puget Sound region is particularly rich in nonmetallic minerals including sand, gravel, clay, coal, and various types of stone. The dollar value of these extracted minerals is comparatively high but the processes of extraction frequently results in erosion and siltation, water quality problems, degradation of fish habitats, and the destruction of shellfish and other bottom living marine animals. Also, the removal of sand from the marine beaches can deplete a resource which may not be restored through natural processes.~~

#### **Goal:**

Require that mineral extraction operations are conducted in a manner that minimizes the adverse impacts on water quality, fish and wildlife, adjacent activities and properties, and the scenic qualities of the shoreline.

#### **Policies (3.5.I.1-5):**

1. Consider development of mineral extraction operations in non-shoreline areas before considering their location in shoreline areas. For actions that must take place in the shoreline, preference should be given to those projects that will mitigate the impacts of the project while it is ongoing and will rehabilitate the site when the project is complete.

2. Prohibit mineral extraction operations ~~which that~~ would adversely affect agricultural activities or remove agricultural lands from production when feasible alternatives exist, ~~or~~ unless the use would occur within a mineral resource land overlay district.
3. ~~Conduct mineral extraction operations in a manner which will minimize the adverse effects on water quality, fish and wildlife, adjacent activities, and scenic qualities of the shorelines.~~
34. Require a detailed plan for reclamation and restoration of mineral extraction sites that demonstrates how no net loss of shoreline ecological functions will be achieved when completed.
- 4 5. Regulate the removal of sand, gravel and minerals from all shoreline areas to ensure adequate protection against erosion, sedimentation, siltation and other physical impacts. The aesthetic impact of the activity should also be considered.

### **3.45.J L Private Pedestrian Pathways, Stairways and Ramps ~~Beach Access Structures (Prior Code: 16.40.522)~~**

#### Introduction: Purpose

~~A “beach access structure” is~~ On many properties, a private pedestrian pathway, a set of steps or stairs, or a ramp may be used to provide pedestrian access to the shoreline beach. Location, design and construction standards are appropriate to minimize impacts on shoreline resources. Private pedestrian pathways are distinct from public trails in that they are not open to the general public.

#### Goal:

To prevent adverse visual and environmental impacts associated with private pedestrian pathways, stairways or ramps providing access to the shoreline.

#### Policies (3.5.J.1-8):

1. ~~Beach access structures~~ Allow private pedestrian pathways and stairways are allowed only as accessories to an existing single-family residence, as access to a common shoreline area in a subdivision land division or multi-family residential development, or for a public or private water-dependent recreational facility.
2. ~~Beach access structures~~ Generally exempt private pedestrian pathways and stairways that which are normal appurtenances to a single-family residence as defined in the Shoreline Management Act and the Unified Development Code are exempt from a substantial shoreline development permit requirements.
3. Encourage ~~The use of existing paths or trails should be encouraged in preference to~~ over either beach access stairways or ramps.
4. ~~Beach~~ Encourage access stairways or ramps should be encouraged to be connected to existing docks, as opposed to separate structures for beach access and vessel moorage.
5. ~~Beach~~ Require design and engineering for access stairways or ramps on shorelines that are known or demonstrated to be feeder eroding bluffs, unstable bluffs, eroding beaches, or exposed cliffs will require design and engineering which that will assure that no significant visual ~~or environmental~~ impacts will be created and any adverse impacts to shoreline ecological functions will be minimized.
6. Design ~~All beach access structures~~ private pedestrian pathways, stairways and ramps should to be the smallest size feasible to achieve the goal, and be located and designed to blend in with the natural surroundings to the extent feasible to reduce visual impacts. Existing vegetation and terrain features should be retained and used whenever feasible possible for screening.
7. Establish size, dimensional, and design limitations for all private pedestrian pathways, stairways and ramps ~~in~~ order to minimize the visual and environmental impacts of additional development along the shoreline, it is appropriate to establish size, dimensional, and design limitations for all beach access structures. It is also appropriate to use size, dimensional, and design standards as benchmarks.

~~for determining when a pedestrian beach access structure would qualify as "exempt" development.~~

- ~~8. Beach access structures~~ Encourage the design of private pedestrian pathways, stairways and ramps to should not extend below the ordinary high water mark (OHWM) and should not or impede public access to public tidelands.

### **3.45.L M Recreational Development** *(Prior Code: 16.40.516)*

#### **Purpose:**

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

#### **Goals:**

1. To allow diverse, appropriate and adequate water-oriented recreational opportunities, that are compatible with the ecological functions of the shoreline areas involved.
2. To facilitate public access to the shoreline while protecting shoreline ecological functions.
3. To protect, maintain and enhance the opportunities to enjoy the shoreline San Juan County offers.
4. Optimize opportunities for both passive and active water-oriented recreation.

#### **Policies** ~~(3.5.L.1-11):~~

1. Preference should be given to developments which provide for recreational activities and improvements facilitating public access to the shoreline.
- ~~2. Avoid the concentration of use pressures at a few points in providing access to recreational areas, wherever possible, by combining areas and linear access systems, such as parking areas and pathway easements.~~ Locate non-water-related recreational facilities outside of the shoreline area.
3. Consider the impact a proposed recreational site would have on the natural resources and environmental quality of the area.
- ~~4. Protect the county's limited supply of shoreline areas suitable for recreational use from inappropriate uses, such as parking areas. Permit roadside view areas in suitable locations.~~
- ~~45. Control the use of motorized vehicles on shorelines.~~
- ~~56. Permit intensive recreational developments only where the public health can be protected without undesirable alteration of the site.~~ Prohibit recreational facilities and activities that are incompatible with shoreline areas.
- ~~7. Control drainage and surface runoff from recreational areas.~~
- ~~8. Require privately and publicly owned recreational facilities to provide adequate water supply, fire protection, waste control, and to otherwise meet public health, safety, and general welfare standards.~~
6. Encourage State and local governments to acquire additional shoreline properties for public recreational uses.
- 7 9. Encourage the development of privately owned commercial recreational uses to provide well rounded recreational opportunities in order to relieve some of the pressures on publicly owned recreation facilities.

~~10. Review any proposed recreational activity or development, public or private for consistency with the County Comprehensive Plan, including this Shoreline Element.~~

~~8 11. Reserve a portion of the shoreline within all subdivisions and divisions for recreational use by the subdivision residents, to the extent feasible when physical conditions are suitable.~~

9. Optimize opportunities for both passive and active water-oriented recreation.

### **3.45.M N Residential Development** (Prior Code: 16.40.517)

#### Introduction Purpose:

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

#### Goal:

To ensure that single family residences and other more intensive forms of residential shoreline use are designed, located and constructed to conserve natural shoreline features and to minimize adverse impacts on shoreline ecological functions.

#### Policies (3.5.M.1-13):

1. Except as expressly provided in Policy 9 below, residential development is not a water-dependent use and should be prohibited over water or within wetlands associated with shorelines.
2. All residential and accessory structures should be located in a manner to blend into their surroundings. This should be accomplished by:
  - a. Optimizing use of natural screening provided by the topography and by existing natural vegetation between structures and the shoreline; and/or
  - b. Enhancing limited natural screening through a combination of setbacks, landscaping, minimizing apparent building height and mass, and use of exterior materials which blend with the existing ~~natural~~ vegetation and topographic features of the site.
3. Residential development should be:
  - a. Constructed to avoid the adverse impacts of geologically hazardous and frequently flooded areas;
  - b. Constructed to avoid adversely effecting wetlands, fish and wildlife habitat conservation areas and critical salt and freshwater habitat areas.

Residential development should not be ~~allowed permitted~~ if it would require bulkheading or other shoreline fortification, at the time of construction or within seventy-five (75) years in the foreseeable future, in order to protect the development. Residential development should not be allowed on eroding, slumping or geologically unstable shorelines unless it can be set back from such shorelines so that hazardous conditions will not be created, erosion or slope instability will not be aggravated, and natural shoreline processes will not be impeded.

4. All residential developments, including ~~subdivision~~ land divisions, should include building setbacks, buffers or both, from the shoreline to preserve the natural character of the shoreline. ~~All residential development should be set back from the top of the bank to protect bank stability and natural vegetation at the bank edge. On low bank or no bank shorelines, development should be set well~~



~~behind the line of extreme high water to protect water quality and the stability of the berm and beach.~~

5. All residential development should be set back from the OHWM to protect bank stability and vegetation at the bank edge.
- ~~6. Design land divisions and multi-family and multiple-unit developments for a density compatible with the physical capabilities and scenic characteristics of the shoreline and water body. In all new shoreline developments, natural site features which provide recreation, exceptional wildlife habitat or scenic enjoyment should be preserved. Open space between structures and the water should be provided to protect natural features and preserve views within the development.~~
- ~~6. All waterfront subdivisions should include provision for common shoreline area. If tidelands are privately owned they should be included in common area. Legal access to common areas should be provided to all lot owners.~~
7. Recognize the importance of solar energy and other renewable resources and support efforts to provide or facilitate solar orientation for building sites in new ~~subdivisions~~ land divisions and non-exempt developments.
8. Water systems supplying groundwater to support new residential shoreline development should be adequate to protect against intrusion of saltwater into groundwater. Where feasible, ~~use of~~ surface water supplies should be used ~~considered~~.
9. Allow live-aboard vessels ~~houseboats~~ only within marinas in activity centers and only within areas of such marinas specifically approved for ~~houseboat~~ live-aboard moorage. Such approval should specify that not more than ten twenty five percent (25%) of overall moorage space will be available for live-aboard vessels and limit individual ~~houseboat~~ live-aboard vessel moorages to identified areas within the marina. Such approval should also identify ~~houseboat~~ live-aboard unit height and square footage limitations appropriate to the site in order to minimize adverse impacts on the scenic quality of the shoreline.
  - a. Live-aboard vessel ~~Houseboat~~ moorage proposals should demonstrate that:
    - i. ~~Such moorages will have access be connected~~ to an approved sanitary sewer or other approved ~~upland~~ waste disposal system;
    - ii. ~~Greywater will also be discharged to the waste disposal system;~~
    - iii. ~~A~~ Adequate capacity exists from approved potable water supply and waste disposal systems, and;
    - iv. ~~that~~ Materials used in the construction and maintenance of houseboats live-aboard vessels moored at the marina will not result in contaminants or debris entering the water.
  - b. Live-aboard vessel ~~Houseboat~~ moorages should be located in areas with at least six (6) feet of water depth between the floats and low water to preserve shallow habitat and prevent grounding at extreme tides.
  - c. Individual live-aboard vessel ~~houseboat~~ moorages should be prohibited.
10. Consider opportunities for visual public access to the shoreline in review of multi-family residential developments.
11. Preference should be given in ~~waterfront shoreline subdivisions~~ land divisions or multiple-unit or multi-family residential developments to the joint use of a single moorage facility by the owners of the ~~subdivision~~ lots or units, or by the homeowners association for that ~~subdivision~~ land division or development, rather than construction of individual moorage facilities.
- ~~12. Waterfront subdivisions should be designed to minimize probable significant adverse impacts to preserve natural features, to minimize physical impacts, and to reduce utility and road costs.~~
- ~~13. Maximum residential densities specified for each shoreline environment should not be construed to be minimum lot sizes. Lot sizes may vary as long as the number of residential units within the shoreline~~

area of a parcel to be divided, or developed with multi-family units, does not exceed the maximum allowable density.

### **3.45. N O Transportation and Parking Facilities** *(Prior Code: 16.40.519)*

#### Purpose Introduction:

Transportation facilities include facilities such as roads, and road ends, trails, airports, barge landing and log transfer sites, county docks, county boat ramps, float plane facilities, ferries and related terminals, commercially operated transportation facilities, and parking areas. Generally such facilities account for a very small percentage of total shoreline uses, but are vital to the economic and social health of the County. The impact of new or expanded transportation facilities range from the minimal to the substantial their impact is substantial. New transportation facilities within the shoreline must be planned for with considerable thought being given to their relationship to other shoreline uses and their various primary and secondary impacts. These facilities must also meet the requirements of the Transportation Element of the ~~this~~ San Juan County Comprehensive Plan.

#### Goals:

1. To ensure that transportation facilities in the shoreline are located, constructed and operated to minimize the impacts on shoreline ecological functions.
2. To enhance visual access to the shoreline such as road ends.
3. To enable an efficient and effective means of transporting people and materials.
4. To provide opportunities to improve and enhance existing transportation facilities.

#### Policies (3.5.N.1-17):

1. Prohibit the location of transportation facilities in shoreline areas if they could feasibly and practically be located elsewhere.
- ~~2. Design and construct transportation facilities in shoreline areas to minimize their impacts on shoreline resources and natural systems.~~
- ~~3.~~ 3. Improve, retain, and keep open, whenever possible, old roads, road ends, rights-of-way, and other facilities in public ownership which afford scenic views or access to the water.
- ~~4.~~ 4. Plan, locate and install transportation and utilities facilities in existing the same rights-of-way or where when the effect will be to minimize reduce the adverse impacts on the shorelines and water-dependent uses.
- ~~5.~~ 5. Confine inter-island transportation to air and waterborne craft. Prohibit bridges between islands.
- ~~6.~~ 6. Prohibit deep water ports for the handling or processing of oil and underwater cross-Sound oil pipelines. Such uses are incompatible with the environment and the ecosystems that make these islands unique. (Prior Code: (ref.) 16.40.515, General Regulation 15)
- ~~7.~~ 7. Consider the adverse impacts to shoreline ecological impact functions in building, improving, or maintaining roads. In addition, roads should:
  - ~~a.~~ a. be maintained at widths consistent with safety standards for limited speeds;
  - ~~b.~~ b. follow the natural terrain as much as possible and still maintain reasonable levels of safety; and
  - ~~c.~~ c. include safe turnouts and viewpoint areas as appropriate.
- ~~8.~~ 8. Re-landscape or replant land with native species if it has been scarred or it is necessary to remove natural cover due to road construction or improvements.
- ~~9.~~ 9. Wherever practical, Require, to the extent feasible, that all new roads proposed near the shoreline should be are set back at least two hundred (200) feet from the OHWM ordinary high water line.

- ~~10. Protect access to private driveways and business locations through the establishment of "No Stopping or Standing" zones in ferry lines and other methods.~~
- ~~11. Encourage non-vehicular traffic on ferries to moderate the impact of vehicular traffic on the shoreline environment.~~
- ~~12. Locate airports and air transportation facilities to maximize public access to publicly owned shorelines and to minimize adverse impacts on shoreline and upland areas.~~
- ~~13. On non-ferry served islands, where there is no alternative for the movement of freight, For each inhabited island, one (1) a single designated barge landing site and one (1) designated log dump is preferred over the development of multiple barge landing sites.~~
- ~~14. Identify a minimum of one log dump and a minimum of one barge landing site, where needed, on each non-ferry served island to address special freight mobility needs.~~
- ~~15. Locate and conduct the use of log transfer and barge landing sites and associated operations in a manner that will so as to minimize adverse impacts on existing water quality, fish habitats and the shoreline environment in general.~~
- ~~16. The use of an unimproved shoreline area or development to create a usable log transfer or barge landing site should be are subject to a conditional use permit.~~
- ~~17. To the extent feasible practicable, log transfer and barge landing sites should be located where a single location can serve multiple users. Land access to such sites should be provided for community use in order to prevent unnecessary damage to shoreline resources caused by shoreline modifications required for the creation of multiple sites.~~
14. Continue to develop plans for transportation facilities that address forms of transportation that are not single occupant automobiles.

### **3.4.O.i Parking**

#### Goals:

1. To ensure that parking lots will be compatible with neighboring uses and minimize adverse impacts to shoreline ecological functions.
2. To protect the County's limited supply of shoreline areas suitable for recreational use from inappropriate uses, such as parking areas.

#### Policies:

1. Parking lots should directly serve allowable shoreline uses and its design and location should be compatible with adjacent shorelines and properties.
2. Parking lots should be located, designed, constructed and operated in a manner that will minimize adverse impacts to water quality, aesthetics, public shoreline access, vegetation, and wildlife habitat, and minimize stormwater runoff, noise and glare.
3. Parking lots should serve more than one (1) use (e.g., serving recreational use on weekends and commercial uses on weekdays) where possible.
4. Place parking lots inland, away from the water's edge and where necessary, screen parking lots to minimize their visual impact on shorelines, and include measures to control surface runoff and prevent pollution of nearby water bodies.
5. Encourage cooperative multiple use of parking lots in port areas.
6. Allow roadside view areas in suitable locations.

### **3.4.O.ii    Circulation**

#### Goal:

To develop safe and economical transportation systems that assure efficient movement of people, with minimum disruption of the shoreline ecological functions and minimum conflict between different types of users.

#### Policies:

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

### **3.45.O P    Utilities and Capital Facilities *(Prior Code: 16.40.520)***

#### Introduction-Purpose:

Utilities are services and facilities that produce, transmit, carry, store, process or dispose of electric power, ~~tele~~communications, oil, and gas. Utilities include small-scale distribution systems directly serving an allowed permitted shoreline use such as power, telephone, water (including desalination and reverse osmosis facilities), onsite sewage disposal facilities ~~sewer (including drain fields and septic tanks)~~ and stormwater lines. Capital facilities are services and facilities for community water systems, and community sewage treatment facilities. The installation of utilities and capital facilities apparatus necessarily disturbs the environment but the adverse physical and visual impacts can be reduced by thoughtful planning and adherence to design criteria.

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

#### Goals:

1. To ensure necessary utility services may be provided to the citizens as efficiently and effectively as possible.
2. To ensure necessary utility services do not adversely impact the visual character of the shorelines.

#### Policies (3.5.O.1-13):

- ~~1. Ensure that~~ Require utilities and capital facilities necessary to serve shoreline uses are to be properly installed so as to protect the shoreline and water from contamination and degradation.
2. Locate utilities, capital facilities, and associated rights-of-way outside of the shoreline area to the maximum extent possible, or locate them within existing transportation and utility sites, rights-of-way and corridors. Joint use of rights-of-way and corridors should be encouraged. When utility lines, connections and piping require a shoreline area location they should be placed underground or located so as to protect scenic views, whenever ~~feasible~~ practicable. When feasible, desalination intake and discharge lines should be connected to existing docks, stairways, or other features as opposed to new and separate structures for these facilities.
- ~~3. Prohibit utilities and capital facilities in marshes, bogs, and swamps, estuaries, critical wildlife areas or other unique and fragile areas unless no feasible alternative exists.~~

34. Locate, or when necessary relocate, utilities and capital facilities so as not to require ~~extensive bulkheads and other hard shoreline stabilization structures protection works.~~ Utilities, capital facilities, and associated rights-of-way should be designed and located in a manner which preserves the natural landscape and shoreline ecology and minimizes conflicts with present and planned land and water uses.
45. ~~Encourage~~ Utilities and capital facilities, including desalination and reverse osmosis systems, ~~should not that will not~~ impede public access to public tidelands or materially interfere with normal public use of public waters.
56. Restore shorelines to pre-project configurations and replant with native natural species upon completion of utility and capital facility projects.
6. Allow desalination of seawater for use by the owners of new or existing legally-created parcels provided that facilities are limited in scale and that cumulative impacts are assessed and mitigated where necessary.
- ~~7. Locate desalination lines within or alongside existing paths and trails and/or connect them to existing docks and beach access structures wherever feasible.~~
- ~~8. Desalination or reverse osmosis systems which are normal appurtenances to a single family residence should be exempt from shoreline permit requirements. Such systems are limited to those that do not involve intakes or outflows seaward of the OHWM.~~
- Require a detailed assessment of conditions at the proposed location, and an environmental analysis of the impact of the project for desalination facilities with a seawater intake greater than one hundred thousand (100,000) gallons per day.
- ~~9. Desalination and reverse osmosis systems should not be allowed as the primary water supply to serve new subdivisions and short subdivisions.~~
- ~~10. On shorelines that are known or demonstrated to be eroding bluffs, unstable bluffs, eroding beaches, or exposed cliffs, require professional engineering to assure that no significant visual or environmental impacts will be created.~~
- ~~11. Encourage the connection of desalination and reverse osmosis intake and discharge lines to existing docks, stairways or other features as opposed to new and separate structures for these facilities.~~
812. Locate and design all desalination and reverse osmosis production equipment and necessary pumping equipment, utility connections, and pipelines to blend in with the natural surroundings to the extent feasible to reduce visual impacts. Existing vegetation and terrain features should be used whenever possible for screening.
913. ~~Prohibit~~ The use of ~~new wells or existing wells with salt seawater intrusion or contamination as the intake source, and/or the use of land disposal of discharge for~~ as intakes for desalination or reverse-osmosis systems, should be allowed only with the approval of the County Sanitarian.
10. Prohibit the discharge of brine upland of the OHWM by desalination or reverse osmosis systems.

### **3.56 SHORELINE MODIFICATION POLICIES**

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

#### **3.56.A Breakwaters, Jetties, and Groins (Prior Code: 16.40.505 and 16.40.511)**

##### Introduction Purpose:

Breakwaters are protective structures which are normally built offshore to reduce or eliminate wave action and thus protect the shore immediately behind them. Breakwaters can be of either rigid or floating construction. Rigid breakwaters which are usually constructed of riprap or rock have both beneficial and detrimental effects on the

shoreline. Rigid structures obstruct the free flow of sand along the coast and starve the downstream beaches. Floating breakwaters generally do not have the same negative effect on sand movement, but, with present construction techniques, cannot withstand extreme wave action and thus are of a limited usefulness in some locations.

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

Goal:

To ensure that when necessary, breakwaters, jetties and groins are designed, located constructed, operated and maintained in a manner that results in no net loss of shoreline ecological functions.

Policies (3.6.A.1-7):

1. Construct breakwaters only where essential public and shoreline dependent uses are located seaward of the existing shoreline or where protection for the use from strong wave action is essential to ensure its longevity.
2. Preference should be given to proposals for floating breakwaters, as opposed to the rigid types, because of their lesser impacts on the circulation of water, sand movement and aquatic life.
3. ~~Permit~~ Allow rigid breakwaters only where the design modifications can eliminate the significant detrimental effects on water circulation, sand movement, and aquatic life.
4. Minimize the restrictions on the public use of the water surface resulting from the construction of breakwaters to the extent possible.
5. Encourage the multiple use of breakwaters in order to increase public access to and enjoyment of the shorelines.
6. Give careful consideration to the effect of proposed jetties and groins on fish and wildlife propagation, sand movement and on the scenic qualities of the shoreline.
7. ~~Minimize any negative effects that jetties, groins and breakwaters may have on fish and wildlife propagation and movement and on navigation.~~

**3.6.B Bulkheads (Prior Code: 16.40.506)**

Purpose:

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

Policies (3.6.B.1-5):

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

### **3.5.B.C Boating Facilities and other Overwater Structures**

#### Introduction: Purpose

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

#### Goal:

To ensure that new boating facilities and other overwater structures are developed in a manner that results in no net loss of shoreline ecological functions.

#### Policies (3.5.C.1-23):

#### 3.5.B.i General

1. Locate, design and construct overwater structures boating facilities to minimize adverse effects upon, ~~and~~ to protect all forms of aquatic, littoral or terrestrial life including animals, fish, shellfish, birds and plants, their habitats and their migratory routes. ~~(Prior Code 16.40.513)~~
2. Protect beneficial shoreline features and processes including erosion, littoral or riparian transport and accretion shoreforms, as well as scarce and valuable shore features including riparian habitat and wetlands.
3. ~~The~~ Location, design, configuration and height of boathouses, piers, ramps, and docks ~~should to~~ both accommodate the proposed use and minimize obstructions to views from the surrounding area.
4. Design overwater structures Boating facilities should be designed to optimize the trade-offs between the number of boats served and the impacts on the natural and visual environments.
5. Consider In providing boating facilities, the capacity of the shoreline site to mitigate absorb the impact should be considered when permitting overwater structures.

#### 3.5.B.ii Docks and Piers

16. Give preference to ~~The use of mooring buoys should be encouraged in preference to~~ over either piers or floating docks. ~~(Prior Code: 16.40.508, Policy 1)~~ Marinas are preferred to joint-use or community docks. Joint use or community docks are preferred to single family docks.

7. ~~The use of floating docks should be encouraged in those areas where scenic values are high and where serious conflicts with recreational boaters and fishermen will not be created. (Prior Code: 16.40.508, Policy 2)~~
8. ~~Piers should be encouraged where there is significant littoral drift and where scenic values will not be impaired. (Prior Code: 16.40.508, Policy 3)~~
9. ~~In many cases, a combination of fixed and floating structures on the same dock may be desirable given tidal currents, habitat protection and topography, and should be considered. (Prior Code: 16.40.508, Policy 4)~~
10. ~~The County should attempt to identify those shorelines where littoral drift is a significant factor and where, consequently, fixed piers probably would be preferable to floating docks. (Prior Code: 16.40.508, Policy 5)~~
211. Give preference ~~To spare San Juan County from the so-called "porcupine effect" created by dozens of individual private docks and piers on the same shoreline preference should be given to the joint use of a single structure by several waterfront shoreline property owners, as opposed to the construction of several individual structures to spare San Juan County from the so-called "porcupine effect" created by dozens of individual private docks and piers on the same shoreline segment. (Prior Code: 16.40.508, Policy 6)~~
312. Give preference ~~Preference should be given in waterfront subdivisions or multi-family residential development to the joint use of a single moorage facility by the owners of the subdivision land division lots or units, or by the homeowners association for that subdivision land division or multifamily residential development, rather than construction of individual moorage facilities. Individual docks and piers should be prohibited, provided that the eCounty may authorize more than one (1) moorage facility if a single facility would be inappropriate or undesirable given the specific site and marine conditions. Such developments should include identification of a site for a joint-use moorage facility and the dedication of legal access to it for each lot or unit. However, it should be recognized that identification of a site for a common moorage facility does not imply suitability for moorage or that moorage development will be approved.~~
413. Consider ~~The capacity of the shoreline site to absorb the impacts of waste discharges from boats and gas and oil spills should be considered in when~~ evaluating every proposed dock or pier.
514. Encourage ~~expansion or repair of existing facilities should be encouraged~~ over construction of new docks and piers.
615. Encourage ~~To reduce the demand for single-user docks, multiple-user docks should be encouraged through construction and dimensional incentives to reduce the demand for single-user docks.~~

### 3.5.B.iii Marinas

16. ~~To reduce the cumulative environmental impact of individual docks on the shorelines of the county and to provide moorage opportunities for inland and shoreline residents, encourage marina development that includes allocations of at least half the available moorage space to permanent, rather than transient, moorage, subject to compliance with other applicable policies and regulations.~~
17. Discourage ~~Areas which have been identified as hazardous due to storm tides, high winds, waves or flooding, should not be considered for use~~ as potential marina sites.
218. Discourage ~~Embayments with poor flushing action should not be considered for as~~ marina sites.
319. Marina development should ~~Minimize the consumption of limited shoreline resources in marina development. To accomplish this as well as providing moorage opportunities for inland and shoreline residents, the following sequence is preferred:~~
  - a. The expansion of existing marinas over the addition of new marina sites;



- b. The provision of a reasonable proportion of permanent moorage spaces to reduce the demand for, or proliferation of, individual docking facilities for numerous private, noncommercial pleasure craft; and
  - c. The use of boat launching ramps and dry storage of recreational boats as favorable alternatives to sheltered, year-around wet-moorage of watercraft.
- ~~420. Provide Multiple use, and where practical, public access, ~~should be provided for~~ in the design of every commercial marina. *(Prior Code: 16.40.513, Policy 3)*~~
- ~~521. Require Installation and maintenance of accessible boat sewage disposal (pump out) facilities ~~are required~~ in all marinas ~~and should be available~~ in convenient locations to all boaters.~~
- ~~622. Identify desirable marina locations based on environmental and population proximity considerations. *(Prior Code: 16.40.513, Policy 2)*~~
- ~~723. Do not allow Covered moorages ~~should not be permitted~~ except where commercial construction or commercial repair of boats is ~~to be~~ the primary activity. *(Prior Code: 16.40.513, Regulation 11)*~~
8. Live aboard vessels using overwater structures should be restricted to marinas and only allowed if they do not result in a net loss of shoreline ecological functions.

### **3.5.C K Ports and Water-Related Port Facilities**

#### Goal Purpose:

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

To ensure that ports and water related facilities are designed, located, constructed, operated, and maintained in a manner that results in no net loss of shoreline ecological functions.

#### Policies (3.5.K 1-6):

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

### **3.6.D Shoreline Stabilization, restoration, Enhancement and Flood protection**

#### Purpose:

~~Shoreline stabilization and flood protection are actions taken to reduce adverse impacts caused by current, flood wake or wave action. These actions include all structural and non-structural means to reduce impacts due to erosion, accretion, and flooding. Specific structural and non-structural shoreline modification activities included in this section are revetments, riprap, bank stabilization and other means of shoreline protection. Shoreline~~

restoration and enhancement activities include the upgrading of terrestrial and tidal shorelines along with submerged tide lands. Such activities necessarily involve changes to natural conditions and therefore are appropriately subject to location, design and construction standards.

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

**Policies (3.6.D-1-11):**

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

### **3.5.D Structural Shoreline Stabilization**

**Introduction:**

Structural shoreline stabilization includes both hard and soft measures to minimize erosion and/or damage caused by waves, wake action, currents, wind and drainage patterns of development upslope from the SMP jurisdiction.

**Goal:**

To ensure that hard structural shoreline stabilization measures are used to protect a shoreline structure only after all other feasible options have been evaluated.

Policies:

1. Locate, design, and construct bulkheads in a manner which will not result in adverse effects on nearby beaches or the shore process corridor and its operating systems, and which will minimize changes in the natural shoreline.
2. Design and locate bulkheads or other hard structural stabilization so as to minimize their impact on the scenic quality of the shorelines.
3. Consider the impact of a proposed bulkhead on public access to publicly owned shorelines.
4. Locate and design all new development to prevent the need for future shoreline stabilization measures and flood protection measures. Prohibit new development that requires shoreline stabilization.
5. Allow hard structural shoreline stabilization for prevention of imminent (within the next three (3) years) damage to primary structures existing on the date the SMP was adopted.
6. Use stabilization and protection methods and strategies which are more natural in appearance, are compatible with on-going shore processes, and more flexible for long-term stream way management, such as protective berms or vegetation over structural means such as bulkheads, concrete revetments or extensive riprap.
7. Allow hard structural solutions to reduce shoreline damage if it is demonstrated that non-structural solutions would not be able to achieve the same protective purpose.
8. Prefer sloping revetments to vertical bulkheads unless they are not feasible due to the destructive scouring impact of bulkheads on beaches.
9. Provide publicly financed or subsidized shoreline stabilization projects for long term multiple use and shoreline public access. Consider providing public, pedestrian shoreline access for low-intensity recreation.
10. Leave undisturbed natural features such as snags, stumps or uprooted trees which support fish and other aquatic systems, and which do not intrude on the navigational channel or threaten other allowed uses.
11. Require that aquatic habitats, existing water quality levels and flood holding capacities are maintained in all beach enhancement projects.
12. Use naturally regenerating enhancement systems if:
  - a. The length and configuration of the beach will accommodate such systems;
  - b. Such protection is a reasonable solution to the needs of the specific site; and
  - c. Shoreline Restoration/Enhancement will accomplish one (1) or more of the following objectives:
    - i. Protect the structure from damage;
    - ii. Recreate or enhance natural conditions;
    - iii. Create or enhance natural habitat;
    - iv. Mitigate erosion; and
    - v. Enhance public access to the shoreline.
13. Encourage supplementary beach nourishment where existing shoreline stabilization is likely to increase impoverishment of existing beach materials at or down drift from the project site.
14. Conduct an analysis of off-site and cumulative impacts for all proposed bank stabilization, restoration and enhancement, and flood protection activities. Such activities should be prohibited if they would result in beach or bank erosion along nearby shorelines.

### **3.7 — AMENDMENT PROCEDURES**

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

Any person, including the County, may submit an application for a map amendment to the Planning Department together with any required fee. Any amendment must satisfy the requirements of the State Environmental Policy Act, 43.21C RCW and Chapter 197-11 WAC. The applicant has the burden of proof. The proponent must demonstrate that proposed amendments to shoreline master program environments (*i.e.*, shoreline re-designation requests) are consistent with the criteria set forth in the shoreline environment designation criteria of this SMP and WAC 173-26-110, as amended, including:

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

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